THE

Parliamentary Register;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

SEVENTH SESSION of the SIXTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXVII.

LONDON:
Printed for J. DEBRETT, opposite BURLINGTON HOUSE, PICCADILLY.

M.DCC.XC.

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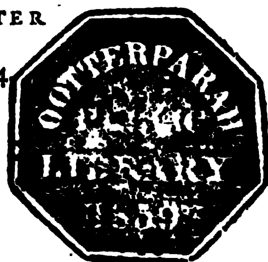
HOUSE of COMMONS,

In the SEVENTH SESSION of the

Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.



Thursday, 21st January, 1790.

THIS being the day on which the prorogation of the Parliament expired, the House assembled; and soon afterwards, in consequence of a command from the King, signified by the Gentleman Usher of the Black Rod, attended at the bar of the House of Lords, to hear the speech delivered by His Majesty from the throne.

When the Commons, preceded by their Speaker, had returned, and when the latter had informed the House of the number of writs issued during the recess of Parliament, and also gone through the other usual ceremonies, he produced a copy of the speech, and read it to the House, as follows:

" *My Lords and Gentlemen,*

" Since I last met you in Parliament, the continuance of " the war on the Continent, and the internal situation of " different parts of Europe, have been productive of events " which have engaged my most serious attention.

" While I see, with a just concern, the interruption of " the tranquillity of other countries, I have at the same time

"great satisfaction in being able to acquaint you, that I re-
"ceive continued assurances of the good disposition of all
"foreign Powers towards these kingdoms; and I am per-
"suaded that you will entertain with me a deep and grateful
"sense of the favour of Providence in continuing to my sub-
"jects the increasing advantages of peace, and the uninter-
"rupted enjoyment of those invaluable blessings which they
"have so long derived from our excellent constitution.

"*Gentlemen of the House of Commons,*

"I have given directions that the estimates for the present
"year should be laid before you; and I rely on your readi-
"ness to grant such supplies as the circumstances of the se-
"veral branches of the public service may be found to re-
"quire."

"*My Lords and Gentlemen,*

"The regulations prescribed by the act of the last session
"of Parliament relative to the corn trade, not having been
"duly carried into effect in several parts of the kingdom,
"there appeared reason to apprehend that such an exportation
"of corn might take place, and such difficulties occur in the
"importation of foreign corn, as would have been produc-
"tive of the most serious inconvenience to my subjects.
"Under these circumstances, it appeared indispensably ne-
"cessary to take immediate measures for preventing the ex-
"portation and facilitating the importation of certain sorts
"of corn; and I therefore, by the advice of my Privy
"Council, issued an order for that purpose, a copy of which
"I have directed to be laid before you.

"I have only further to desire, that you will continue to
"apply yourselves to those objects which may require your
"attention, with the same zeal for the public service which
"has hitherto appeared in all your proceedings, and of which
"the effects have been so happily manifested in the increase
"of the public revenue, the extension of the commerce and
"manufactures of the country, and the general prosperity
"of my people."

Viscount Valletort.

Viscount *Valletort* having now risen, for the purpose of address, observed, that he never was more conscious of his inability, to warrant his intrusion either on the time or patience of the House, than at the present moment. Feeling as he did his great incompetency for the arduous task before him, and sincerely lamenting that such a charge had not devolved on a person of greater experience and ability, he assured the House, that nothing could prompt him, on this occasion

casion, to obey the impulse of his heart, but the well-known candor and indulgence of the House to all those who were not in the habit of public speaking, and the flattering expectation he had of the unanimous concurrence of the House in the motion he had the honour to make. He should, however, take up but very little of their time; as the facts stated in His Majesty's speech were in their nature so plain, obvious, and satisfactory, that they required neither ingenuity to elucidate, eloquence to embellish, nor argument to convince. The speech of His Majesty must yield, to every true lover of his country, the greatest pleasure and satisfaction, from a just view of our own happy situation, when contrasted with that of other European States. Our joy and gratification, however, must be allowed to suffer some abatement, from a sympathizing spirit with the calamitous circumstances of many other nations. At home, all was peace, happiness, and prosperity; but abroad, nothing but discord, commotion, and bloodshed prevailed. The Continent was agitated with the distraction of foreign warfare, as well as the internal tumults of an ungovernable populace. Princes and subjects were at variance; established Governments were subverted, and revolutions were daily taking place. These were facts, upon which he should not presume to comment at any length; at the same time, he could not well forbear glancing at the present unhappy situation of France. No province was altogether free of anarchy and confusion; the laws being extinct, and the constitution as yet unorganized, the capricious will of a licentious mob too often prevailed as law, and the most unexampled barbarities have been committed with impunity. The capital itself was not exempt from the ravages of a tumultuous populace; commotion, violence, and disorder frequently took place of harmony, order, and good government. The most distinguished families had been obliged to withdraw from their country, and to seek after an asylum among strangers; the whole empire being convulsed with the most dreadful anarchy and confusion; and to conclude the distressing scene, the King himself is almost a prisoner in his own palace. In the Netherlands, too, the standard of independency has been erected; and the inhabitants appear determined to withdraw their allegiance from the Sovereign whose sceptre they so long obeyed. If we do but direct our attention to the great Empress of the North, we find her also involved with neighbouring powers in the horrors of fierce and bloody contentions. In the midst of this scene of general warfare and collision of opposite interests, foreign and domestic, we had the happiness to find, that all the Northern Powers agreed in their pacific disposition towards this country. Great Britain, therefore, stood distinguished

among the European nations, by the felicity of its situation, when contrasted with other States. While discord, with all her direful train, stalks abroad, we are in the full enjoyment of profound tranquillity, with its concomitant advantages, at home. Our revenue is considerably increased; our manufactures prosper; and our commerce flourishes in every quarter of the globe. We cannot, continued Lord Valletort, but be sensible of our national felicity; and it is our duty to render to divine Providence our most grateful acknowledgements for such distinguished blessings. We could not too much admire the parental care of His Majesty, and the wisdom of his Ministers, exemplified in the measure adopted to prevent the exportation of corn, at a moment when a scarcity of that necessary commodity was with some reason to be apprehended. The present general want of grain in foreign parts, was among those alarming evils consequent on the neglect of husbandry, through the political struggles now depending. His Majesty and his Ministers were therefore entitled to the gratitude and confidence of the House, for not confining their attention solely to the improvement of our revenue and the extension of our trade. but for having prudently taken effectual steps to avoid the serious inconvenience of so great a grievance, as the scarcity of corn at home, by a timely publication of the order of Council. Thus, the parental care of His Majesty, and the attention of his Ministers, had delivered this country from the great evils to which other nations were subject; whose miseries challenged our sympathy, while we were not sharers in their distress.

Lord Valletort having adverted to the principal points in His Majesty's speech, declined all further comments on the other parts, leaving them to the abler discussion of those who were more conversant than he could pretend to be in political affairs. After thanking the House for their favourable attention, he concluded with moving, "That an humble "address be presented to His Majesty, to return His Ma-"jesty the thanks of this House, for his most gracious speech "from the throne.

"To assure His Majesty, that we participate in the just "concern with which His Majesty observes the interruption "of the tranquillity of other countries: That we, at the "same time, learn, with great satisfaction, that His Ma-"jesty continues to receive assurances of the friendly dispo-"sition of foreign Powers: That we entertain a deep and "grateful sense of the favour of Providence towards these "kingdoms, in continuing to us the increasing advantages "of peace, and the uninterrupted enjoyment of those inva-"luable blessings which we have so long derived from our "excellent

"excellent constitution, and which we so happily experience
"under His Majesty's mild and auspicious government.

"That we shall proceed with chearfulness to make such provision as may appear to be requisite for the several branches of the public service.

"To express our sense of His Majesty's paternal regard for the welfare of his people, manifested in his anxiety to prevent the further exportation of corn, and to facilitate the importation under the circumstances which His Majesty has been graciously pleased to communicate to us; and to return His Majesty our thanks for having been pleased to direct a copy of the order, issued by His Majesty, by the advice of his Privy Council, to be laid before us.

"To assure His Majesty, that we shall uniformly continue to apply ourselves, with unremitting assiduity and zeal, to those objects of public concern which may require our attention, and shall be at all times desirous of adopting every proper measure for maintaining the public revenue, and encouraging the commerce and manufactures of the country, as being essentially connected with the general prosperity of His Majesty's dominions."

Mr. *Cawthorne* (Member for Lincoln) next rose, and seconded the motion, with observing, that he felt the greatest degree of happiness in his reflections on the flourishing state of the British empire; in the increase of its revenue; in the uninterrupted prosperity of its commerce; and in its enjoyment of profound tranquillity. As the several topics adverted to in His Majesty's speech had been so ably and fully discussed by the noble mover of the address, he should decline all farther arguments respecting them, and content himself with avowing his approbation of the motion, and giving it his hearty support. Mr. Cawthorne.

Mr. Chancellor *Pitt* now rose, and requested the indulgence of the House, before the question should be put on the motion made and seconded, while he might remark on the order of Council relative to the exportation and importation of corn. That, from the reasons there had been to apprehend that there might be such exportation of corn, which might be attended with great inconvenience and detriment to His Majesty's subjects; those who had the honour of advising His Majesty, thought it their duty to recommend the measure that had been adopted, to avoid the mischief to be dreaded. At the same time, he was ready to admit, that though the proceeding in question was not strictly legal, yet the necessity of the case had in some measure justified the irregularity of the proceeding; and that in reliance on the candor of the House to grant a bill of indemnity, from a Mr. Pitt.

due

due consideration of all the circumstances, that such a measure had been indispensably necessary. Lest it should be conceived, however, that His Majesty's Ministers thought their conduct, in respect to the proclamation alluded to, strictly legal, Mr. Chancellor Pitt declared, that he considered it as incumbent on him to state these particulars to the House the first opportunity that offered.

Mr. Ald. Sawbridge Mr. Alderman *Sawbridge* declared, that he was extremely happy to hear what had fallen from the Minister on the subject of the order of Council; and hoped the Ministry might be able, at a proper time, to justify their conduct in this proceeding; but to the mode adopted respecting the exportation of corn, he had strong objections. If Parliament passes a bill to answer a certain purpose, and in its operation it be found inadequate and defective, the remedy ought not to be by an arbitrary proclamation from the Crown. The grievance might be redressed in a constitutional manner; the Parliament might have been called, and a new law enacted: then there would have been no necessity for any proclamation, nor could any unconstitutional irregularity then have been practised. He wished this matter to be cleared up to the satisfaction of the House.

The address was unanimously agreed to, and a Committee appointed to draw it up, to whom His Majesty's speech was referred.

The House adjourned.

Saturday, 23d January.

The House went up with the following Address to the King:

" Most gracious Sovereign.

" WE, your Majesty's most dutiful and loyal subjects, " the Commons of Great Britain, in Parliament assembled, " beg leave to return your Majesty our humble thanks for " your most gracious speech from the throne.

" While we participate in the just concern with which " your Majesty observes the interruption of the tranquil- " lity of other countries, we feel, at the same time, the " greatest satisfaction in being informed that your Majesty " continues to receive assurances of the friendly disposition " of Foreign Powers: And we entertain a deep and " grateful sense of the favour of Providence towards these " kingdoms, in continuing to us the increasing advantages " of peace, and the uninterrupted enjoyment of those inva- " luable blessings which we have so long derived from our ex- " cellent constitution, and which we so happily experience " under your Majesty's mild and auspicious government.

" Your

" Your Majeſty may be aſſured that we ſhall proceed with
" chearfulneſs to make ſuch proviſion as may appear to be
" requiſite for the ſeveral branches of the public ſervice.

" We are duly ſenſible of your Majeſty's paternal regard for the welfare of your people, which has been manifeſted in your anxiety to prevent the further exportation of corn, and to facilitate the importation under the circumſtances which your Majeſty has been graciouſly pleaſed to communicate to us; and we deſire humbly to return our thanks to your Majeſty, for having been pleaſed to direct a copy of the order, iſſued by your Majeſty, by the advice of your Privy Council, to be laid before us.

" We aſſure your Majeſty, that we ſhall uniformly continue to apply ourſelves, with unremitting aſſiduity and zeal, to thoſe objects of public concern which may require our attention; and ſhall be, at all times, deſirous of adopting every proper meaſure for maintaining the public revenue, and encouraging the commerce and manufactures of the country, as being eſſentially connected with the general proſperity of your Majeſty's dominions."

Monday, 27th January.

The Speaker reported His Majeſty's anſwer to the Addreſs of the Houſe of Thurſday laſt, as follows:

" Gentlemen,

" I thank you for your very loyal and dutiful addreſs; it is with great ſatisfaction that I receive the repeated expreſſions of your affectionate attachment, and the aſſurances of your continued attention to thoſe objects which are connected with the happineſs and proſperity of my people."

The Houſe in a Committee upon the motion reſpecting the importation and exportation of corn, came to a reſolution, " That leave be given to bring in a bill for indemnifying all perſons who have been concerned in adviſing or carrying into execution certain orders of Council reſpecting the importation and exportation of corn and grain, and alſo certain orders iſſued by the Governor General of His Majeſty's colonies in America, and for preventing ſuits in conſequence of the ſame, and for making further proviſions relative thereto."

The ſame was ordered to be reported.

Mr. *Wilberforce* having moved, " That the proceedings of that Houſe of the 23d of June laſt be read," and the ſame having been read by the clerk, he obſerved, that in his preſent propoſition, he was actuated rather by a deſire to accommodate other gentlemen, than perſonal wiſh to gratify an Mr. Wilberforce.

an inclination of his own; and therefore was it that he should beg leave to move, "That this House will, on Wednesday "next, resolve itself into a Committee of the whole House, "to consider of the circumstances of the Slave Trade complained of in the several petitions which have been presented to this House, relative to the state of the African Slave Trade."

Mr. Gascoyne. Mr. *Gascoyne* remarked, that he considered the motion with the greater degree of astonishment, because it carried with it the appearance of a design, on the part of the honourable gentleman, to precipitate so important a motion, as that which had been avowed to be the object of bringing the farther consideration of the slave trade before a Committee of the whole House, for the purpose of referring the examination of evidence to a Committee above stairs. The question, though a question of mere form, was, in fact, a question of very serious importance. Towards the close of the last session, a right honourable gentleman, not then in his place, had, upon the motion for postponing the farther proceeding relative to the slave trade to the present session, thrown out a hint of the propriety of putting the business into the train now suggested, and intended to be proposed, and had stated, that, in his idea, the best means of proceeding would be through the medium of a Committee above stairs. He (Mr. Gascoyne) had declared at the time, that he had strong objections to changing the course of proceeding that had been uniformly adopted; and the more he had since turned those objections in his mind, the more he felt their force, and was convinced that it would be exceedingly improper to refer the examination of witnesses, and the hearing of evidence, to a Committee above stairs. He did not, however, intend to argue that question then, unless he was obliged to make it an object of immediate discussion. When he had heard on Saturday that the honourable gentleman meant to bring on the business upon the present day, he had taken the liberty of begging the attendance of a number of gentlemen, Members of that House, who had expressed their sentiments on the subject of the slave trade in former sessions, and they had done him the honour to attend numerously. At the meeting holden that day, only one gentleman present had expressed a doubt of the propriety of objecting to the proposed motion for referring the examination of witnesses to a Committee above stairs; he might therefore say, that the meeting was almost unanimous in opinion that the motion ought to be resisted and opposed, and that the examination of witnesses should, if possible, be had in a full House. If the motion for a Committee of the whole House stood for the next day, or the day after, the first thing to be done in that Commit-

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tee would be to bring on the important question, whether the subject should be sent for farther investigation to a Committee above stairs? On that there might be much difference of opinion: he did not know of any precedent for such a change of proceeding upon so very interesting a topic, nor did he believe the honourable gentleman himself could produce a precedent. It was a great doubt with him, whether it might not be in fact establishing a precedent pregnant with much future inconvenience; he must, therefore, protest against any thing that bore the appearance of taking the House by surprise; and he appealed to the candor of the honourable gentleman, and the candor and justice of the House, whether, all circumstances considered, it would not be more fair not to press the motion as it stood, but to give notice for Thursday se'nnight, by which time gentlemen would be able to turn the matter in their thoughts, and make up their minds upon it. So satisfied was he that this would be no more than necessary candor required, that if what he had proposed was not acceded to, he should think it his duty to take the sense of the House upon the point in contest.

The *Speaker* asked Mr. Gascoyne if he meant to move any amendment to the motion? The Speaker.

Mr. *Gascoyne* answered, most certainly; and accordingly moved to leave out the words "Wednesday next," and insert the words "Thursday sevennight." Mr. Gascoyne.

Mr. Alderman Sawbridge seconded the motion.

The question having been stated to the House from the Chair,

Mr. *Wilberforce* rose, and declared, that if he might venture to form an opinion, the opposition of the honourable gentleman could only have arisen from a misapprehension of the real meaning of the motion for a Committee above stairs; it was not intended by that motion to take the examination of the witnesses out of the hands of those gentlemen who had hitherto conducted it, but merely for the sake of convenience to let those very same gentlemen who had hitherto attended and examined the witnesses in the House, attend and examine them up stairs, where they might uninterruptedly, and without having their attention distracted by other objects, proceed from ten in the morning till three in the afternoon, and if they chose it, in the afternoon subsequent to the rising of the House. This mode of proceeding must necessarily expedite the investigation, and, at the same time, as every Member would have access to the Committee, and a right to share in their proceedings, and as the minutes of the Committee might, from time to time, be brought down and printed, the House would be able to judge of the force of the evidence progressively, and Counsel might also prepare their opinions Mr. Wilberforce.

 and

and arguments upon it against the day should arrive when they were to be heard on either side of the question at the bar. With regard to the taking the House by surprise, the House had last session pledged itself by a resolution to enter upon the consideration of the subject early in the present session, and he had, on Friday last, given full notice of his intention of doing so, and of his object in moving for a Committee of the whole House. To desire, therefore, that he would delay his motion for a Committee, for so long a time as till Thursday se'nnight, appeared to him to be so unreasonable a request, that he did not think it at all necessary to comply with it. The subject was certainly important and extensive; and in proportion as it was so, it was the more incumbent on the House to investigate it as early as possible. There was a great deal of public business to go through, and if the examination of witnesses were to go on in the House, it could never be entered upon till after the public business of the day had been disposed of; and thus they would find themselves, at the end of the session, as far from their object as before. He hoped, therefore, the honourable gentleman would give up his amendment, as nothing but an intention to create delay, and by such means get rid of the business, could be construed to be the real motive for persisting in it. The great question for the House at large to consider, discuss, and decide, could not properly be brought before them, till all the evidence had been adduced and communicated, and then the Counsel might be heard at large upon it. He declared, he meant not to impute it to the honourable gentleman that he aimed at delay; the honourable gentleman had hitherto fairly and openly opposed any alteration in the slave trade, and if the honourable gentleman wished to wait for the assistance of his noble colleague, he could only say, that the honourable gentleman had proved himself capable of supplying his noble colleague's absence, by the sufficiency of his own argument.

Mr. Gascoyne.

Mr. *Gascoyne* wished to repeat that it was not the going into a Committee of the whole House that he objected to, but the precipitate decision of so important a question, as a proposition to change the course of their proceeding, and refer the conduct of the examination of witnesses to a Committee above stairs. Delay was not his object: he for one had no objection to going into the Committee of the whole House on Wednesday, or even the next day, provided they would consent to proceed with the examination of witnesses in the Committee of the whole House, and reserve the important question of appointing a Committee to sit above stairs till Thursday se'nnight, or any other day of nearly the same distance.

Mr.

Mr. *Fox* adverting to what he considered as overstrained delicacy with regard to notices of business to be brought on, desired to know what more notice could be given of any public business whatever, than a vote of the House of Commons itself, that it would, early in the next session, take such a specific business into its farther consideration? When such a preparation had been made, in a form that ought to be that of the greatest notoriety to the Members, why was it necessary that a week or a fortnight should be taken up with additional notices? He saw no reason for it, and therefore he hoped the honourable gentleman would persist in his original motion. Was not the meeting of Parliament itself a sufficient notice to engage every Member's attention, and to beget his expectation that important business would be brought forward early in the session? What was it, but that very circumstance that in the commencement of a session, even when there was no difference of opinion, generally occasioned much fuller attendances than at any other period of the House sitting? The honourable gentleman appeared to him to have been candid in the notice he had given. It certainly was a very important question, of which the honourable gentleman had given notice; but without in the least diminishing the importance of the question; he must contend that it ought to be brought on early, because the question, whether the examination of the witnesses should be carried on above stairs, or not, seemed to be neither more nor less, than a question whether the consideration of the slave trade should be annihilated or continued. Mr. Fox.

Sir *William Younge* conceived that he was the person alluded to, having at the meeting that morning expressed a doubt as to the propriety of objecting to the motion for a Committee above stairs. He assigned his reasons for doubting upon that point, but argued for a longer notice than Wednesday next; observing, that sending the matter to a Committee above stairs, would be an entire change of the course of their proceeding on the subject of the slave trade; and as their having hitherto conducted the examination of the witnesses in a Committee of the whole House, would naturally lead the parties interested to expect that they would continue the same course of proceeding this session, it would be but fair and candid to allow time enough for all the parties to be apprized of the intended alteration. Sir Wm. Younge.

Mr. Chancellor *Pitt* wished to call it to the recollection of the House, that in the last session it had been stated, that the most adviseable mode of proceeding would be by a Committee above stairs; that the very question now considered as a new one, had been discussed in debate, and he believed the intention of resuming the consideration of the slave trade in that Mr. Pitt.

mode of proceeding had been publicly intimated; certain he was, it had been ſtated in converſation to thoſe gentlemen, who thought differently from him and his honourable friend on the ſubject. With regard to taking the Houſe by ſurpriſe, ſo much notice ought always to be given, as ſhould prevent any thing like the Houſe being taken by ſurpriſe; but what was the caſe now? A reſolution for an early conſideration of the ſlave trade ſtood on the journals. His honourable friend, on Friday laſt, had given notice of his intention to move for a Committee of the whole Houſe upon it that day, avowing his intention to move therein for a Committee above ſtairs: he had that day given an additional notice for Wedneſday next; therefore, the Houſe could not avoid the imputation of ſpecific delay, if it did not, after ſuch full notice, ſupport his honourable friend's motion.

Mr. Ald. Sawbridge. Mr. Alderman *Sawbridge* believed there never was an inſtance of ſo important a queſtion having been referred to a Committee above ſtairs. In the diſcuſſion of ſuch an intereſting ſubject, upon which ſo much difference of opinion prevailed, the Public ought to be able to know every fact that came out, and to be acquainted with every proceeding reſpecting it. If it went to a Committee above ſtairs, they would eſtabliſh a bad precedent, and by degrees they would loſe the habit of doing their buſineſs as a Houſe of Parliament. It was by thus giving up one thing after another, that the very principle of parliamentary right was at length loſt ſight of, and what they ought to hold moſt ſacred, by degrees deſtroyed.

Mr. Burke. Mr. *Burke* obſerved, that it was an error to ſuppoſe that there exiſted no precedent of referring matters of conſiderable public importance to Committees above ſtairs. The Houſe had it in its power to regulate its proceedings at all times, by circumſtances of convenience and as neceſſary diſpatch dictated, and there were a great variety of precedents to prove that the Houſe had acted differently on different occaſions. In fact, whether any matter ſhould be referred to a Committee above, or continue its inveſtigation before a Committee below ſtairs, was a queſtion entirely of diſcretion with the Houſe; but, in the preſent caſe, no ſuch queſtion, though he admitted it to be of no ſmall importance, was under conſideration, and therefore, he muſt take the liberty of ſaying, that much of his honourable friend's argument was premature.

The queſtion, as originally moved, was carried without a diviſion.

The following motions were afterwards made and carried, viz.

"That this House will, on Wednesday next, resolve it-
"self into a Committee of the whole, to consider farther of "the circumstances of the slave trade, complained of in the "several petitions that have been presented to this House, "relative to the state of the African slave trade."

"That the several petitions which have been presented to "this House, complaining of the present circumstances of "the slave trade to Africa, and desiring an abolition or regu-"lations in the said trade, be referred to the said Commit-"tee.

"That the several petitions presented to this House in the "last session of Parliament, against the abolition of the slave "trade, be referred to the said Committee; and that such of "the said petitions as pray to be heard by Counsel, be at li-"berty to be heard, if they shall be so advised."

"That the minutes of the evidence taken in the last session "of Parliament before the Committee of the whole House, "appointed to consider of the circumstances of the African "slave trade, be referred to the said Committee."

The House adjourned.

Tuesday, 26th January.

No debate occurred.

Wednesday, 27th January.

Mr. Wilberforce having moved for the order of the day, for the House to resolve itself into a Committee of the whole House, to take the petitions against the abolition of the slave trade into their consideration; and the motion having passed, and Mr. Burges being in the chair,

Mr. *Wilberforce* rose again, and remarked, that as it had hitherto appeared, from several observations which had fallen from those gentlemen on the other side of the House, with whose sentiments, concerning the present point in debate, he had not the honour of coinciding, that they remained dissatisfied in respect to the appointment of a Committee above stairs, and that their doubts related chiefly to the constitution of that Committee, he should now endeavour so to elucidate the matter, as to remove the whole of their objections. Though in conformity to the rules of the House, the Committee for which he should move must be nominally a Select Committee, yet he certainly meant it to be an open Committee, at which every Member who chose it should be present, and take part in the examination. Those, therefore, who were not named as Members of the Committee, would have the same advantage as those who were selected by the House, with this only difference, that a quorum must consist of five of the persons who were nominated Members of the Com-

Mr. Wilberforce.

Committee. In such a Committee, they would be able to proceed in the examination of witnesses much more expeditiously than they could expect to do in a Committee of the whole House; in which latter they could scarcely ever proceed till late in the day, and frequently with very little attendance; so true it was, that what was every body's business, nobody would do, and one gentleman would not attend from an idea that others did. This he did not mention as a disgraceful circumstance to the House, but as a matter perfectly natural, and which they well knew to be the fact. They had already gone through a good deal of examination; but what had been examined was but a mere trifle in comparison to the evidence that remained to be examined relative to the treatment of slaves in the middle passage and afterwards. However gentlemen might differ upon the main question, he trusted they were unanimous in opinion, that as much expedition as the nature of the case would admit, ought to be used, and they would, therefore, surely think, that he ill discharged his duty, if he adopted the form of the thing rather than the substance, and did not resort to that mode of proceeding most likely to accommodate the main object. He professed himself anxious to accelerate the business; it was for the interest of humanity, and to rescue the character of the nation, that no time should be lost that could any way be saved. He had that day heard that it was said he was grown lukewarm in the business. So far from it, his opinion was the same as ever upon the subject. With more information, and maturer judgement, he was convinced that it would not only redound to the national honour that the slave trade should be abolished, but to the true interest of the West-India islands. In conclusion, Mr. Wilberforce moved, "That the Chair-" man be directed to move the House, that in order to faci-" litate the progress of this Committee in matters referred to" them, this House will be pleased to appoint a Committee" for the purpose of taking the examination of such witnesses" as shall be produced on the part of the several petitioners" who have petitioned this House against the abolition of the" slave trade."

Sir John Miller.

Sir *John Miller* observed, that whilst he entertained the highest opinion of the purity of the motives by which the honourable gentleman was influenced, he must beg leave to ask wherefore such a question should be treated differently from every former question of equal importance. The rooms above stairs were small and inconvenient, so that only those Members who were immediately concerned could be there, the Public could not know what was done respecting the business; and as it concerned the commercial interests of the country, it should therefore be conducted with all that dignity

nity and sobriety which accompanied examinations carried on at the bar in a full, fair, just, and parliamentary way.

Mr. *M. A. Taylor* said, if the business was to go on, why not let it proceed in as expeditious a manner as possible? Could those who objected, declare, what he was by no means prepared to declare, that if the examination continued at the bar of the House, they would pledge themselves to be present at the whole of it. One great objection, in his mind, was the very great expence the parties were put to by continuing in the House with Counsel at the bar. It might happen, as he believed it had done more than once already, that the attendance was but small; and if less than forty Members were present, it was in the power of any one Member to have the House told, and thus oblige them to separate in the midst of the examination of a witness. With regard to the Committee-rooms above stairs being small, there was one of them, the Election Committee-room, that was large and commodious, where as many of the Members as thought proper might attend, and those who did not, would have the printed minutes, and form their opinion in consequence. Mr. M. A. Taylor.

Major *Scott* said, that no gentleman could feel a stronger conviction of the purity of the motives by which the honourable Member who moved the question was actuated than he did; but he would beg leave to state his objections to the motion. In a proceeding which took up two years of the attention of the House, and was now carried to another place, the very same complaints of thin attendance, and the difficulty of getting gentlemen to attend, were made, as the House had that day heard; and he would call the Chairman to witness, that the Committee of the whole House did not sometimes contain above three or four Members. To remedy this evil, an honourable Member (Mr. Francis) now in his place, made precisely the same motion which the honourable gentleman (Mr. Wilberforce) had made, and supported it by the same arguments. The Major said, he thought there was nothing objectionable in it, and had agreed to it; but a right honourable gentleman (Mr. Grenville) opposed it, as being contrary to the usage and practice of Parliament and to justice, and there it ended. The very same arguments applied now, but with greater force; that undoubtedly was a case of great importance, in which the honour and dignity of the House, and the justice due to an individual, were deeply concerned; but in the present case, a property, amounting, as he had been told, to above forty millions, and much of the revenue of this kingdom, depended upon the issue of the present inquiry; therefore, the Major said, he wished it to be conducted in the most solemn manner. If gentlemen would not attend, there was no help for it. Maj. Scott

it. He for one deemed it a business of the utmost importance. He had attended it last year, though sometimes absent, and meant to pay every attention in his power to it in future. The honourable gentleman had said, that the evidence would be printed, and Members might read it; but upon that subject he had a fact of so extraordinary a nature to state, as determined him, in his own mind, never to send any business to a Committee up stairs which could be done below. The House, on the 14th of May, 1787, had formed itself into a Committee of the whole House; the Committee determined, that on the sixteenth charge of those originally presented by an honourable Member, there was ground for impeaching Mr. Hastings; this resolution was instantly communicated to the House, and voted; but neither the Committee nor the House stated what the impeachable matter was. Then, this sixteenth charge was sent to a Committee of Secresy, that they might frame from it an article, or articles. On the 23d of May, a right honourable Member (Mr. Burke) presented thirteen articles, and each article an history. They were immediately read a first time, ordered to be farther considered the next day, and ordered to be printed for the use of the Members of this House. On the next day, they were read again, that is, one word of each article, and passed. After this ceremony, they were sent to be printed, and the 28th, that is, four days after the House had passed them, without once looking at them, the printed copies came from the press to the Vote Office. The engrossed articles made their appearance at the same time, and a right honourable Member (Mr. Burke) was ordered to carry them to the bar of the House of Lords; there they were presented in the name of the Knights, Citizens, and Burgesses in Parliament assembled, and of all the Commons of Great Britain; though it is as clear as the sun that they never were read by those in whose names they were passed, and for this unanswerable reason, that the House gave their sanction to the articles four days before they could possibly see them, and they make a small volume. After full knowledge of this extraordinary fact, which any gentleman who would look at the journals might know, the Major said, he never would consent to institute a new mode of inquiry into a business in which such a variety of private and public interests were involved.

Mr. Francis.

Mr. *Francis* having observed that he was the person alluded to, who had moved for a Committee above stairs, and that he was of the same opinion in the present case, added, that those gentlemen who would prefer an examination of witnesses at the bar of the House, to an examination of witnesses before a Committee, could not, in his mind, be seriously desirous of expediting the business.

Sir *Watkin Lewes* observed, that it had been said by an honourable gentleman near him, that he thought they should expedite the matter as much as possible. In his opinion, no question could come before them that deserved and demanded more deliberation. It ought to be patiently and temperately investigated, and that fairly and openly, so that the Public could witness the progress of it, and be enabled to judge of the facts as they came out. One reason why the business ought not to go to a Committee above stairs, was, that in the House, the parties could have the benefit of Counsel, whereas above stairs they could not. In the House, they could not go on with less than forty Members present, nor ought a business of so great moment to proceed with a smaller attendance. Sir Watk. Lewes.

Sir *William Younge* conceived that a Committee above stairs would bring the evidence before the House more speedily than they could expect to get at it by going on, perhaps, only one or two days in the week. Expedition was greatly to be desired; the property of the West-India islands was deeply interested in the question, and the West-India merchants had complained of the suspense attending the question as the greatest evil. On their account, therefore, the taking the examination of the witnesses by a Committee above stairs, ought to be the mode of proceeding. Sir Wm. Younge.

Mr. Alderman *Newnham* declared, that if he was satisfied that the West-India merchants and planters wished that the examination of witnesses should go to a Committee above stairs, he should readily consent to the motion, but he believed the West-India merchants and planters were against it, and wished the examination to proceed at the bar of the House, in the face of the Public, that they might hear every thing that passed on so very important a subject. Were the House aware that the question of the slave trade involved the very existence of the country? for the preservation of the West-India islands depended on it, and our connection with those islands, in his mind, materially concerned the welfare of the country. Were gentlemen prepared to say we could do without the West-India islands? He was of opinion that we could not. The present could not be called a private business; it was a public business, and the crowded gallery proved how much the Public were interested in it. Mr. Ald. Newnham

Mr. *Jekyll* had not a doubt, in his own mind, but that the best and most expeditious mode would be by a Select Committee, and that advocates might assist parties at such Committees. An honourable gentleman spoke of the sobriety that ought to attend the examination of witnesses. It was true that there was a good deal of eating and drinking above stairs; but then it was to be remembered, that Committees sat up Mr. Jekyll.

ſtairs generally in a part of the day when he believed few of the Members of that Houſe were uſed to indulge themſelves either in eating or drinking to exceſs. There was one ſerious queſtion that he wiſhed to put to the honourable gentleman who made the motion, and that was, when the evidence was printed, and in the hands of the Members, would Counſel be allowed to ſum it up at the bar of the Houſe, and argue upon it, or would the preſent motion preclude the parties from having that advantage?

Mr. Wilberforce. Mr. *Wilberforce* declared that it was not his intention to preclude the parties from any advantage that they would have been entitled to, if the examination had been continued in the Houſe.

Mr. Gaſcoyne. Mr. *Gaſcoyne* obſerved, that he had liſtened with a good deal of attention, to hear if any precedent could be brought forward, but no one had been mentioned, and he believed that a precedent could not be found. He did not think the honourable gentleman would be able to accelerate the buſineſs ſo much as he expected. Committees above ſtairs would do for the diſcuſſion of a turnpike-bill, or a bill of incloſure, or inland navigation, but not for the diſcuſſion of ſuch a queſtion as the preſent; and, if he was not much miſtaken, it was againſt a ſtanding order, to ſend ſuch a queſtion to a Committee above ſtairs. He could not take upon himſelf to ſtate the exact words of the ſtanding order to which he alluded, but the ſpirit of it he knew to be, that no regulations relative to trade ſhall be diſcuſſed but in a Committee of the whole Houſe. So far was he from thinking that going up ſtairs would accelerate the buſineſs, that he was of opinion it would produce a different effect. For the firſt five days, they would be ſtewed by the heat of a crowded Committee-room; but when the curioſity of gentlemen had been gratified, they would find it as difficult to make a quorum as it had been to keep a Houſe; and the honourable gentleman would then find that he had better not have changed the mode of proceeding; in which caſe, he hoped the honourable gentleman would come down and move to have it altered back again.

The Speaker. The *Speaker* remarked, that it was his intention to have remained ſilent, if what had fallen from the honourable gentleman had not pointed ſo particularly at him, that his wiſhes to evade all diſcuſſion of a queſtion in which his own perſonal eaſe was intereſted, and which therefore made it delicate ground for him to go upon, muſt neceſſarily give way. There certainly was a ſtanding order, that no regulations relative to trade ſhould be inveſtigated except by a Committee of the whole Houſe; but then, the honourable gentleman would recollect, that the Committee now moved for, was

not a Committee for the discussion of the slave trade, but merely a Committee for the examination of witnesses. The discussion of the momentous business itself would come on before the Committee of the whole House. The honourable gentleman had said there were no precedents. He knew of none precisely analogous, but there were precedents that covered the proceeding, and he was prepared to state them, if necessary. Even in the important public business of granting supplies, there were precedents of the House having appointed sub Committees to examine witnesses. But it was out of all doubt, that the House had a power to govern its own proceedings, and make a new rule of any sort that did not militate against a standing order, or a parliamentary principle; and it did not always follow, that because a mode was new, therefore it must be improper. Having mentioned the absurdity practised in summing up the evidence given during a former session, the Speaker added, that there was less absurdity in summing up at the bar evidence which had been brought forward above stairs.

The question was then put and carried.

The same being read, was agreed to by the House; and all the gentlemen of the long robe, the Members for Yorkshire, and several other counties, ordered to be of the said Committee.

It was then moved, and agreed to, that any five or more do make a quorum.

Moved, "That the several petitions, minutes of evidence, "reports, accounts, and papers, which have been referred "to the Committee of the whole House, be transferred to "the said Select Committee." The same, upon question put, was agreed to.

The House adjourned.

Thursday, 28th January.

No debate took place.

Friday, 29th January.

Mr. *Marsham* having premised that he conceived it requisite that the House should give a particular instruction to the Committee above stairs, appointed to take the examination of the witnesses in behalf of the petitioners for and against the abolition of the slave trade, moved, "That it be an "instruction to the said Committee, that they have power to "permit the petitioners against the abolition of the slave "trade to appear by their Counsel before the said Committee, for the purpose of examining such witnesses as shall be "produced on the part of the said petitioners, in support of "the said petition." Mr. Marsham.

Mr. Wilberforce. Mr. *Wilberforce* remarked, that although he was far from entertaining even the most distant wish to oppose either the present motion, or any other of a similar nature, which his honourable friend or any Member might chuse to make, yet he should hold himself, in some degree, reprehensible, were he to suffer it to pass, without rising to declare that to him it appeared to be wholly unnecessary. When those who supported the petitions for the abolition of the slave trade, had obtained leave to be heard on behalf of those petitions, they had obtained leave to be heard by themselves or their Counsel before the Committee of the House, and the same leave was granted to the petitioners against the abolition. It followed, therefore, in his mind, that it was a matter of natural course, that when the examination of witnesses was referred to a sub-committee above stairs, the parties went before that sub-committee with the same advantages which had been granted them in respect to their being heard before a Committee of the House.

Mr. Marsham. Mr. *Marsham* answered, that as a dispute had that very morning taken place, concerning the point to which his motion referred, he could not avoid feeling a more than usual anxiety that the forms of the House should be strictly complied with; and as it was customary, on other occasions, for every power, delegated to Committees above stairs, to be specially granted by instruction from the House, so, in his mind, it ought to be done in the present instance.

The question was put and carried.

Mr. Wilberforce moved, "That the Committee, appointed for the purpose of taking the examination of such witnesses as shall be produced on the part of the several petitioners, who have petitioned this House against the abolition of the slave trade, have leave to sit, notwithstanding any adjournment of the House." Ordered.

The House resolved itself into a Committee of Supply, Mr. Gilbert in the chair.

The navy estimates having been previously referred to the said Committee,

Mr. Hopkins. Mr. *Hopkins* observed, that as the number of seamen, marines, &c. for which he meant to move, was exactly the same as had been voted last year, he should conceive it to be unnecessary to take up the time of the Committee with any discussion on the subject, and content himself with making the motion, at the same time declaring, that he should be ready to give all the explanation which any gentleman might think necessary. Mr. Hopkins now moved,

"That it is the opinion of this Committee, that twenty "thousand men be employed for the sea service for the year

"1790,

" 1790, including three thousand eight hundred and sixty
" marines."

" That it is the opinion of this Committee, that a sum
" not exceeding 4l. per man per month be allowed for main-
" taining the said 20,000 men for thirteen months, including
" Ordnance for Sea Service."

Sir Grey Cooper.

Sir *Grey Cooper* mentioned his sanguine expectations that one result of the remark made in the speech from the Throne, though it was rather ambiguously expressed in the point to which he alluded, would have been a reduction of the number of seamen. In His Majesty's Speech, mention was made of " the continued assurances of the good disposition of all " the foreign powers towards this country," he had hoped therefore, that 2000 seamen less than the number voted last year would have served; being convinced, that the only real means of recovering its resources, which this country could adopt, was by preserving the strictest œconomy during the continuance of peace, and by keeping down its establishments, wherever they could be curtailed with consistency and regard to the general safety. He did not mean to enquire into the causes of maintaining the encreased establishment of the last year; if the right honourable gentleman had reasons for it, of which the publication might prove inconvenient, he would not press for them; but, he could not help remarking that the excess of our marine establishment had for the last three years, amounred to 483,000l. a year, more than in the estimate given in the Report of the Committee of the finances of 1786; and, yet, the end of the year 1790, was the very year in which they had been taught to expect a considerable reduction. He observed that there was no difference this year in the Ordnance; and having stated the amount of the three different services (professedly avoiding to touch on the miscellaneous services) he made it appear that there was a difference or excess of more than 900,000l. a year on the whole. He said he would not go into the business of foreign countries; he knew it was a delicate subject; but he wished this country, when its great rival, and now our ally, was incapacitated, had retrenched its expenditure, where he conceived it might have been spared. Perhaps, a reduction was intended in the army: if so, he should be happy, since he had much rather find it there than in the navy, and, perhaps, the same causes that were stated for the argumentation of the latter last year still existed.

Mr. Pitt.

The *Chancellor of the Exchequer* observed, that the candour of the honourable Baronet most certainly entitled him to an immediate reply, although the turn of his argument sufficiently shewed that it would not be necessary to go at any

length

length into the subject. The honourable Baronet had himself stated the true reasons why the 20,000 seamen were, this year, asked for as well as the last, instead of the number having been reduced to 18,000, as it had been the year before the last. The causes assigned, last year, for voting the additional 2000 seamen were then stated to be the fleets necessary for the East-Indies and the Mediterranean; the same causes still existed for keeping up the number of 20,000, His Majesty's servants not being of opinion that, considering the present state of affairs in Europe, it was the fit moment for making a reduction in the other branches of the marine service. With regard to the other topics touched upon by the honourable Baronet, and which indeed the honourable Baronet had often touched on before, such as a comparison between the amount of the different services and their expected amount in the year 1791, as stated in the Report of the Committee of Finance in the year 1786, it would be time enough to speak of them on another day, when the finances of the country should be the subject of investigation. But the honourable Baronet stated nothing very surprizing or alarming. Whenever the day, proper to the subject, came, from all he then knew of it, he was inclined to believe that the picture of our finances would not hang in an unfavourable light.

Sir Grey Cooper. *Sir Grey Cooper* admitted that the right honourable gentleman had answered him candidly, but, as what he had said, implied some sort of reprehension on him for having touched upon more topics of finance, than that immediately before the Committee, he begged to tell the right honourable gentleman that he remembered the time, when the very first day of supply, or even the voting of the land and malt tax, was held open to every gentleman to advert to the finances in general, and so much was it deemed to be the parliamentary and constitutional right of every member of that House to advert to the amount and conduct of every branch of the public service on that day, that he believed the right honourable gentleman was the first man who had ventured to question it. Sir Grey adverted in conclusion to the finance report of 1786, and observed, that the increase of the navy debt had not been mentioned by the right honourable gentleman.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he was in the judgment of the Committee, whether any thing could be fairly construed into a reprehension of the honourable Baronet. Sure he was, he meant no reprehension, but merely to intimate, that it would be more convenient to discuss the subject of the finances, in general, at a future day, when the papers respecting each were before the House. That of the

navy

navy debt in particular was not yet on the table, and, therefore, he saw no advantage which could arise from an immediate, and, consequently, a premature discussion of that topic.

Captain *Berkeley* (Surveyor General of the Ordnance) begged leave, in answer to the allusion of the honourable Baronet to the Ordnance Estimate, and to its being the same in amount as last year, to premise to him, that when the Ordnance Fox was turned out, he had no doubt it would afford pretty good sport; at present he should only say, that if the honourable Baronet had taken the trouble to examine the Ordnance Estimate, he would have found that it amounted to less than that of last year, in the sum of nearly two thousand pounds. Captain Berkeley.

Sir *Grey Cooper* acknowledged, that he had not observed the difference of so small a distiction. Sir Grey Cooper.

The House adjourned.

The following important Papers were laid on the Table of the House of Commons.

Extract of a Letter from Consul General Baldwin to the Duke of Leeds, dated Alexandria, 21 June, 1789.

"His Majesty's commands, signified in your Lordship's
" dispatch of the 30th October, relative to the slave trade
" carried on in Egypt, has, from that moment, occupied
" my most serious attention; and I have already drawn a
" memorial, for the information of the Lords of the Com-
" mittee of Council for Trade, which makes part of this
" dispatch. Your Lordship's requisitions extend to matters
" not yet sufficiently in my possession to work upon; but I
" shall lose no time in obtaining them, and of obeying your
" injunctions, to the best of my skill. The subject of the
" slave trade being nearer my reach, and seeming to be a
" topic of present investigation, I have thought it my duty
" to transmit my information upon that point without
" delay. If any thing more is required, I shall be anxious
to obey your Lordship's commands."

MEMORIAL

MEMORIAL relating to the trade in ſlaves carried on in Egypt, the numbers annually brought into it, and ſold; diſtinguiſhing thoſe that are natives of Aſia from thoſe who are natives of Africa; from what parts they are brought, and whether the male ſlaves are uſually caſtrated.

And further—relating to the caravans periodically ſent from Egypt into the interior parts of Africa; to what countries they go; of what articles their commerce conſiſts, and the probable amount of each article; together with what circumſtances may tend to throw light on the nature and extent of this commerce, and on the condition, population, ſtate of cultivation, and government of thoſe countries in the interior of Africa with which this trade is carried on.

And firſt. To diſtinguiſh between the ſlaves of Aſia, and thoſe of Africa.

The ſlaves of Aſia are brought from Georgia, Mingrelia, Circaſſia, and the borders of Perſia. They are of that race of men from which the Janiſſaries, ſo victorious and invincible in the hiſtory of the Turks, were conſtantly ſelected. They do not loſe the name of ſlave when they are brought into Egypt; for the appellation of Mamaluk, which is given them, ſignifies it; but inſtead, it confers a title to reign. Their number, in all Egypt, does not *now* exceed four thouſand; and the annual importation, ſince Ruſſia has aſſerted the independency of their native provinces, does not ſurpaſs one hundred. The Beys, who originated from the ſame fount, are generally their purchaſers. They become, by this act, of the body of Mamalukes, eſpouſe the Muſſulman religion, are trained to arms, and ſtart in a career which infallibly leads the valiant and expert to grandeur and power.

In the time of Ali Bey, their numbers aſcended to ten thouſand; but his wars, and the ſpirit of contention and rebellion he left behind him, has waſted them to their preſent ſtate. The ſources of their repleniſhment too being obſtructed, we are haſtening to the period which will extinguiſh them quite, and leave Egypt naked to any power which may be preparing to ſubdue it.

The African ſlaves, on the contrary, are brought to ſerve. They retain their characteriſtic Title of Alid, ſignifying property ſlave; and their colour. diverſified only by a few ſhades, is black. Their condition, however, in Egypt, is mild; for whether from humanity or intereſt, whether nature or good ſenſe, it is remarkable that their maſters treat them

them with a parental tenderneſs, adopt them with confidence, entruſt them with the management of their concerns, marry them, and, in fact, purſue this plan of benevolence to the laſt. We ſee in return, generally ſpeaking, a devotion, an attachment, a fidelity, which nothing can remove. We ſee a gravity in their demeanor, which ſeems the election of the mind. We ſee a diſcernment in their actions, which is not far from refinement. Yet theſe men are ſlaves, negroes of that ſame nurſery, from which our plantations are ſupplied, and conſidered as being barely poſſeſſed of the *form* only of men.

It is true, that in this country they are not wanted for the laborious duties of life: The native peaſantry does all that; and of courſe the numbers annually imported are inconſiderable, compared with the aſtoniſhing drains for the Weſt Indies. I am well aſſured that they do not exceed five thouſand, comprifing male and female; of which the latter are the greater part. They are taken in the kingdoms of Sernar, Darfour, Fezanè, and Abyſſinia; and the ſmalleſt number, though, on account of their docility, the moſt deſired, is from Abyſſinia.

The ſlave in Egypt is completely at the mercy of his maſter; but I cannot learn, from all my information, a ſingle inſtance of any raſh or revengeful exerciſe of that power. The maſter ſays, I can diſpoſe of him if he diſpleaſes me---why ſhould I deſtroy my property? And the ſlave can ſay, My maſter is cruel; proclaim me in the market, (i. e. Soke il Sultan) and he muſt be ſold.

This ſeems a contradiction to the abſolute power of the maſter; but there is ſo much odium in this barbarous country, attending the infliction of death upon a ſlave, that a claim to mercy has the voice of the law. What harm can reſult from this order of things?---Will the ſlave capriciouſly ſay, Sell me? He does but change one maſter for another. Or will the maſter ſuffer by parting with a diſcontented ſlave?---I ſee no great danger of abuſe from this lenity in our government of ſlaves; nor does experience contradict me. But how it would be in our iſlands, where the labour is heavy, where the food is unwholeſome, where the iraſcibility of the maſter is provoked by the very nature of the ſervice, I ſee the propriety of the rule giving way to the diverſity of the caſe. The evil ſeems to follow the fatal neceſſity which it ſerves. Maſters might be leſs exigent of labour, and temper better the neceſſity which conſtrains. It might be provident even to ſacrifice a few hogſheads of ſugar to the preſervation of the ſlaves. They ſhould remember, that of all men theſe ſavages are born moſt free; that to paſs from perfect freedom to the moſt tyrannic ſervi-

tude,

tude, is not the easiest transion of life; that these slaves feel keenly the sentiment of their fate, a thousand instances of their preferring death in its most desperate forms sufficiently evinces: And shall Englishmen trample upon this sentiment! treat it as a spirit of revenge! Englishmen, who glory in this characteristic! whose boast is death or liberty! I should hope the example of the Turks might operate to soften the condition of the poor men subjected to our service; and if there are necessary evils which must be complied with, at least that the submission to them should be so tempered with all possible humanity as to make it supportable.

The few slaves that are castrated for the service of the Seraglio, and for other people in power, do not undergo that abominable fate until they arrive in Upper Egypt, where I am informed is a Copthi family who have exercised that profession from father to son for a long time; who continue to live by their dexterity in that practice, but the numbers do not exceed twenty annually.

The caravan which is the vehicle of this particular commerce is annual, and visits, as I have said before, the kingdoms of Sernar, Darfour, Fezanè, and Abyssinia—They take with them coral, Venetian glass, beads, and other ware, musket barrels, and linen of the manufacture of Egypt, and exchange them for the slaves, for gold dust, gums, elephants' teeth, tamarinds, and ostrich feathers—The value of this commerce altogether amounts to about one hundred thousand pounds; but it is capable, in the opinions of most men, were the government of Egypt favourable to commerce, of infinite enlargment.

Egypt dispatches too, annually, a considerable caravan to Mecca; its foundation is for holy purposes, but is encouraged likewise in objects of commerce so much, that the merchandize exported and received by this caravan enjoys a perfect exemption from duty.-- It employs about six thousand camels, and takes to Mecca and Gedda ordinary linens, coral, beads, amber, cochineal, French cloth, quicksilver, pimento, tinsel, German dollars, and Venetian sequins. The value of these articles amounts to about one hundred thousand pounds, and they are exchanged for Indian goods, muslins, Surat stuffs, rich shawls and coffee. But this is but a small portion of the trade carried on from Cairo to Gedda. The other part is carried on by sea, and employs upwards of fifty ships of two hundred tons burthen each, and some of a thousand tons.—The amount of this commerce keeps in circulation not less than three millions of pounds sterling.

There is likewise an almost constant intercourse by caravans between Cairo and Syria, composed generally of one

 hundred

hundred camels each. They bring cotton, ſilk, and ſoap, and take away linens, coffee, and money. The annual amount of this commerce may be fifty thouſand pounds ſterling.

Another caravan comes annually with the ſubjects of the King of Morocco from Fez and Morocco. It is commonly compoſed of about five thouſand camels to carry the merchandize, and of about fifteen thouſand mules for the travellers. They bring gold duſt and maſſive currency, ſilver in bars; and they take in return India goods and raw ſilk. The amount of this branch is about one hundred thouſand pounds annually. Part of this caravan paſſes on to Mecca, and part remains to tranſact buſineſs, and to return with the return of the caravan.

I know of no other caravans immediately commercial. What are called caravans from Suez to Cairo, and from place to place, in the dominion of Egypt, are merely caravans of tranſport. The camels are ſupplied by the Arabs, who conſtantly encompaſs all fertile countries bordering the deſert, and who draw a very ample ſubſiſtence from this tranſport ſervice; but they are not always contented with this. They are conſtantly finding pretences for war, or more properly ſpeaking, for rapine, and become as hurtful by their depredations as they are uſeful in the other ſenſe.

So far I have endeavoured to obey the immediate requiſitions at the head of this memorial; and, by a ſtatement of things, as near the truth as the nature of the ſubject will admit. I am taking meaſures to come at ſuch materials as may be depended upon to ſatisfy the further enquiries concerning what other circumſtances may tend to throw light on the nature and extent of this commerce, and on the condition, population, ſtate of cultivation, and government of the countries in relation with it, and will do my beſt to do it well. I can ſo far ſay, that an Engliſh gentleman, by the name of Roberts, is at Cairo, determined to viſit Abyſſinia, and with whom I am in ſuch good intelligence, as warrants me to promiſe myſelf every intereſting information he can procure. He is a very ſenſible old man, of a liberal mind, and loves his country. I could already give a general idea of the ſubject from frequent converſations with people, by ſome means acquainted with it; but where facts can be obtained, I imagine the wiſh of adminiſtration muſt be to be ſo aſcertained, rather than be troubled with reports which may be contradicted.

Alexandria, 21 June 1789.

GEORGE BALDWIN.

BARBADOES.

REPORT of a Committee of the General Assembly, upon the several Heads of Enquiry, &c. relative to the Slave Trade.

To the Honourable Sir John Gay Alleyne, Baronet, Speaker, and to the rest of the Members of the General Assembly.

18th and 23d Feb. 1788.

The Report of the Committee to whom the Agent's letters to the Committee of Correspondence, of the 18th and 23d days of February last, and the papers transmitted therewith, intituled, "List of Accounts," and "Heads of Information," sent to him by order of the Lords of the Committee of His Majesty's most honourable Privy Council for trade; and also the Agent's subsequent letter of the 5th day of March following, with additional Heads of Enquiry, since received by him, by their Lordships Directions, were referred, to consider and make their report thereon.

YOUR Committee, in obedience to your orders of the 8th day of April, and 6th day of May last, respectively, referring to them the Agent's three several letters to the Committee of correspondence of the eighteenth and twenty-third days of February, and fifth day of March last, and the several papers transmitted therewith, intituled, "List of Accounts," "Heads of Information," and "Additional Heads of Enquiry," have taken the subject matter of the said papers into their consideration, and used all the means in their power to enable them to answer the several questions proposed in the said paper, in order to obtain for the right honourable the Lords of His Majesty's Privy Council, for matters of trade and foreign plantations, the information they are desirous of receiving. Your Committee nevertheless, notwithstanding the utmost extent of their enquiries, have been able only to collect the information contained in their answers to the respective questions which they have annexed to this their report, and desire that it may be considered as a part of it.

And your Committee do beg leave to report farther, That they came to the following resolution; viz.

Resolved, That it is the opinion of this Committee, That the probable effects and consequences of an abolition of the slave trade, as far as such a measure relates to Barbadoes, will be the destruction of the cultivation of the lands in this colony.

Samuel Hinds, *Benjamin Babb*, *D. Maycock*,
John Bishop, *Samuel Forte*, *John Eastmond*,

LIST

LIST OF ACCOUNTS.

An Account of the number of Negroes annually imported into the iſland of Barbadoes, as far as any ſuch account can be made up; diſtinguiſhing the number imported in each year, the proportion of males and females, adults and children, and the number and tonnage of the ſhips in which they have been conveyed.

ANSWER.

SLAVES imported, viz.

In 1764	-	3,936	In 1777	-	- 34
1765	-	3,228	1778	-	- 7
1766	-	4,361	1779	-	No account.
1767	-	4,154	1780	-	No account.
1768	-	4,628	1781	-	- 1,138
1769	-	6,837	1782	-	- 109
1770	-	5,825	1783	-	- 194
1771	-	2,728	1784	-	- None
1772	-	2,117	1785	-	- 149
1773	-	1,269	1786	-	- 482
1774	-	289	1787	-	- 713
1775	-	879	1788	-	- 1,309
1776	-	407			

The proportion of males and females, adults and children, not known.

Tonnage of the ſhips not known.

NUMBER of VESSELS, viz.

In 1774, one ſhip and one ſnow.
1775, four ſhips, one bark, one ſnow, and three brigs.
1776, two ſhips, one ſnow, two brigs, one ſchooner, and two ſloops.
1777, two ſloops.
1778, two ſhips.
1781, four Dutch prizes.
1782, one ſhip.
1785, one ſhip and one ſchooner.
1786, two ſhips, one brig, one ſchooner, and one ſloop.
1787, three ſhips, three ſchooners, and one ketch.
1788, three ſhips, one ſnow, one bark, two ſchooners, and one ſloop.

An Account of the number of negro slaves, of free negroes and mulattoes, of indented servants, and of free white inhabitants, which are at present in the island, with a like account for any former period, as far as the same can be ascertained; distinguishing, with respect to each of the foregoing classes of inhabitants, the proportion of males and females, adults and children; distinguishing, as far as is possible, the number under one year of age, from one year to eight, from eight to eighteen, and from eighteen to thirty, or forming them into such other classes as it may be more convenient to bring them under; and distinguishing the number of country-born slaves from those which have been imported, and the number, in each of the foregoing classes, which are supposed to have been born and died annually.

		Slaves.	
In 1764	—	70,706	
1765	—	72,255	
1766	—	73,651	
1767	—	74,656	
1768	—	76,275	
1769	—	75,658	
1770	—	76,334	
1771	—	75,998	
1772	—	7[illegible],484	
1773	—	74,206	Of this number, 13,760 belonged to the parish of Saint Michael; and there were this year, in the same parish, 4613 white inhabitants, 136 free mulattoes, and 78 free negroes. Total amount in this parish, of slaves and free persons, 18,587.
1774		74,874	
1775		74,410	
1776		74,103	
1777		72,587	
1778		69,935	
1783		62,258	
1784		61,808	
1785		62,775	
1786		62,115	

In

	Slaves.	
In 1787	62,712	
1788	62,712.	Of this number, 2,883 belong to the parish of Saint Joseph, viz. 617 men, 1,007 women, 1,179 children; and there are in the same parish, 1,176 free white inhabitants, viz. 270 men, 439 women, and 467 children; and 52 free negroes and mulattoes, viz. 13 men, 13 women, and 26 children. No indented servants in the island. Can say nothing further as to the particulars here enquired after.

An Account of the number of slaves exported from the said island in each year, to any foreign settlement or island in America or the West Indies.

By information from the Secretary's office, it appears, that for the space of six years, from the year 1783 to the year 1788, both inclusive, about 2,600 slaves have been exported from this island.

HEADS OF INFORMATION.

WHAT is the legal power which masters have over their slaves, in each of the British islands in the West Indies?

A master of bloody-mindedness, or cruel intention, wilfully killing his slave, is to pay 15 l. into the public treasury, under the 19th cl. of the act, No. 82; excepting this, his power is absolute; for if a slave, under punishment by his master's order, suffers in life or member, the master, under the same clause, is liable to no fine whatever.

What is the protection granted to slaves by law?

None, against their masters.—But, under the above act, if any person wilfully kills a negro that is not his own, he is to pay double the value of him to his owner, and 25l. into the treasury; if he kills him by accident, he is liable only to the owner's action at law. A person striking or ill treating another

other perſon's negro, ſubjects himſelf to an action at law, at the ſuit of the owner..

For what offences are they ſubject to their maſter's correction—for what are they amenable to the eſtabliſhed juriſdiction of the iſland—and in what manner are they tried?

They are ſubject to their maſter's correction for all offences, and they are amenable to the eſtabliſhed juriſdiction of the iſland for all offences whatever. This juriſdiction with reſpect to ſlaves, is eſtabliſhed under ſeveral acts of the iſland. Of ſmall offences, a Juſtice of the Peace takes cognizance, and puniſhes by whipping. For heinous crimes, as murder, burglary, rape, burning of houſes or canes, ſtealing or maiming of cattle of above the value of twelve pence, ſlaves are tried under the above act, No. 82, by two Juſtices of the Peace, and three freeholders; who ſentence them to die if guilty, and acquit if innocent. Their ſentence, however, is ſubject to an appeal to the Governor and Council, who may reverſe, or affirm, or moderate the ſentence, as ſhall appear right to them.

To what penalties are their maſters, or thoſe who act under, ſubject, if they tranſgreſs the laws made for the protection of negro ſlaves, or in any reſpect exercise acts of cruelty towards them, and to what courts are they, in ſuch caſes, amenable?

Under no penalty but that of fifteen pounds for killing, under the aforeſaid act, No. 82; which is to be recovered by information in any Court of Record in the iſland.

Are ſlaves fed at their maſters expence, or by their own labour? and, when fed by their maſters, with what are they fed, and in what quantity?

Fed at their maſters expence, with grain and ground proviſion, ſalt and ſalt fiſh, and furniſhed occaſionally with rum and molaſſes. The general proviſion of corn for each ſlave, large and ſmall, is about ten buſhels a year; and for each working ſlave, a pound and a half of ſalt fiſh or herrings a week; and they have the liberty of raiſing live ſtock, and ſelling it for their own benefit.

How are they cloathed, lodged, and ſecured againſt the inclemency of the ſeaſons? State the law and practice.

They are cloathed once a year, the men with caps, jackets, and breeches; the women with caps, jackets, and coats.—They have comfortable houſes, with two or three rooms, thatched, wattled, and dabbed; and many of them have walled houſes, ſhingled: their houſes in general are better

than

than the houses of the poor cottagers in England. The proprietors, at their own expence, cause the houses to be built and kept in repair, and pay great attention to this article.— This is the practice. The act, No. 82, directs that all slaves shall have cloaths once a year, viz. drawers and caps for men, and petticoats and caps for women, under a penalty of five shillings for each slave.

What is the annual expence of the maintenance of a negro man, woman, and child, at different ages, respectively?

One with another six pounds.

Are many negroes usually let out to hire, in what numbers, and on what conditions?

Not many. Few plantations have negroes sufficient to cultivate them. Some persons, having no great quantity of land and many negroes, hire some of them out—in what numbers cannot say. The conditions from 1s. 3d. to 2s. per day, at this time, occasioned by the late high price of cotton—formerly much less.

Are any days, or hours in days, set apart, in which the slaves may labour for themselves? State the law and the practice.

They have about two hours and a half in the day allowed them for their rest and their meals. They have also all Sundays, and stated holidays at Christmas, Good Friday, Easter, and Whitsuntide, and frequently Saturday afternoon. This is the practice, but no law for it.

Have they any portions of land assigned them for the foregoing purpose? State the law and the practice.

In most plantations they are allowed a field, according to the size of the plantations, and also a small parcel of land about each of their houses, which they plant, and apply the produce to their own use, besides the provision of corn allowed them as before. This is the practice, but no law for it.

Are they subject to any peculiar diseases, to which white inhabitants or free negroes are not subject? and, if they are so subject, assign the causes.

None.

What care is taken of them in sickness? Are there any laws or regulations for that purpose? What provision is made for them when old or disabled, and are their masters obliged, in such cases, to maintain them?

An apothecary is employed by the year, at a certain annual ſum for each ſlave; phyſicians and ſurgeons are occaſionally called in when neceſſary. On every plantation there is a houſe provided for the ſick, called a ſick houſe, with a nurſe to attend them, and food and ſuſtenance proper and ſuitable to their diſorders, all at the expence of the owner: this is the practice—no law for the purpoſe. The ſame proviſion is made for them, and care taken of them, when old and diſordered, as when young and in health; but there is nothing compulſory on their maſters in ſuch caſes to do ſo.

What is the general period of their lives? Is it of equal duration with that of white inhabitants or free negroes?

No difference in the duration of their lives.

What is the practice reſpecting the marriage of negro ſlaves, and what are the regulations concerning it?

They have no marriage ceremony, and practiſe polygamy.

Can cauſes be aſſigned which impede the natural increaſe of negro ſlaves?

Can aſſign no cauſe of a certainty; perhaps exceſſive labour, and other exceſſes and indiſcretions of the female ſlaves.

Are many children born of negro ſlaves, and in what proportion are they reared?

There are many children born of negro ſlaves, but not raiſed in proportion.

Are the children of negro ſlaves ſubject to any diſeaſes to which the children of white inhabitants or free negroes are not equally ſubject; and if they are, to what cauſes is it to be imputed?

They are not.

Are negro ſlaves, or their children, in general baptized?

Very few are baptized.

What religious inſtitutions are there for their benefit, in each of the iſlands in the Weſt Indies?

Sir William Codrington by his will deviſed a conſiderable plantation in this iſland, with the ſlaves and ſtock, to the Society for the Propagation of the Goſpel in foreign parts; among other purpoſes, for that of inſtructing negroes in the fundamentals of the Chriſtian religion—This is the only inſtitution in Barbadoes.

Are

Are any missionaries sent from England for their instruction, and what has been their success? If unsuccessful, to what causes is it to be attributed?

None sent from England—Some Moravians have occasionally come over, and preached to the negroes, but without success, the negroes paying little or no attention to the preachers.

Are the missionaries more successful in the instruction and conversion of free negroes, than in the instruction and conversion of slaves—and to what causes is any difference in this respect to be imputed?

Not in the least.

With respect to negro slaves and free negroes, what is the proportion between males and females?

Two males to three females.

What is the average value of a country-born negro man and woman, and what the average value of an imported negro man and woman?

A country-born negro man and woman will average at this time from 80l. to 100l., and one imported from 50l. to 55l., occasioned by the advanced price of cotton. Some few years past, they were not of more than half that value.

Has the produce of each of the islands increased in proportion to the increased number of negro slaves? and if it has not so increased, what reason is to be assigned for it?

When there have been no calamities, the increase of negroes produce an increase of the crops.

What number of acres has been in cultivation in each year, distinguishing the proportion of acres that has been appropriated to the culture of sugar, cotton, coffee, cocoa, ground provisions, &c.; and what has in each year been the produce thereof respectively?

Cannot be ascertained.

What is the mode of cultivating and preparing the ground for sugars, cotton, &c. respectively?

In general, the land is turned up by the negroes with an instrument called a hoe, and manured with the dung of neat cattle, horses, &c.

What soil is most favourable for each, and how far is the soil capable of improvement by manure?

Sea coasts for cotton and aloes—the body of the country for canes. Cannot say how far the soil is improveable by

manure, as the planters have not a ſufficient quantity to give the land.

What difference is there in the produce per acre of different plantations in the ſame year, when not expoſed to any extraordinary accident?

The difference between the produce of the worſt and beſt eſtates is from two to ſix, or thereabouts.

By what cauſes are crops on different parts of the ſame iſland partially affected?

Blaſts, vermin, and partial falls of rain.

Does the quantity of labour which it is neceſſary to require from the negroes, vary materially in different parts of the year, as it does here in harveſt time, &c.? and is there any period at which the increaſed labour produces any particular effect on the health of the negroes?

The planting of the crop leſs laborious than the reaping—do not think the increaſed labour in reaping the crop produces any particular effect on the health of the negroes, but the inclemency of the weather, of heats and colds, from July to December, produce diſeaſes.

Would it be poſſible to cultivate to advantage the Weſt-India iſlands, by the labour of Europeans, or of free negroes?

Not poſſible.

Could an European conſtitution ſubſiſt in ſuch a climate, under the labour neceſſary for cultivating a Weſt-India plantation?

Could not.

Is the labour of cattle, and of what ſpecies, and in what proportion, uſed in the cultivation of a Weſt-India plantation?

Horſes and neat cattle are uſed in the cultivation of plantations, and few eſtates can afford to feed a ſufficient number for that purpoſe.

Could the quantity of ſuch cattle be increaſed, and could their labour be ſubſtituted for that of ſlaves in a greater extent than it is at preſent?

For the reaſons above aſſigned they cannot.

Have different European inſtruments of huſbandry, from time to time, been introduced in the cultivation of plantations in the Weſt Indies? and is it likely that the uſe of theſe could

could be extended, or further improvements in this reſpect be applied to lighten and abridge the labour of ſlaves in cultivating Weſt-India plantations?

The plough has been ſeveral times introduced, but without ſucceſs.—It is not likely.

ADDITIONAL HEADS OF INQUIRY.

What is the whole number of acres in the iſland of Barbadoes? and how much of that part which is at preſent not cultivated is capable of being brought into culture?

About 106,470, according to Mayo's map, of which about two thirds are under cultivation, and of the remaining third from five to eight thouſand acres are not capable of being brought into culture.

How much land is there in the ſaid iſland which is not private property?

About thirty acres.

What proportion of the land which is private property is now in cultivation.

About two thirds.

What proportion of the land now in cultivation in the ſaid iſland would, from ſituation or ſoil, admit of the uſe of the plough?

A very ſmall proportion.

In how many plantations in the ſaid iſland has the plough been known to be introduced, for the purpoſe of preparing the land for cultivation?

About four or five in different parts of the iſland, but without ſucceſs.

How many ſlaves in the whole are employed, in the ſaid iſland, in the cultivation of ſugar, cotton, coffee, indigo, &c. &c. and how many in menial ſervices, in making roads, fiſhing, or any other employments?

About one fourth part of the whole number of ſlaves are employed in menial ſervices, &c. The remainder conſiſts of ſuch as cultivate the lands, and their children.

What proportion does the number of ſlaves bear to the number of acres employed in each ſpecies of cultivation; and

and what is the average proportion of produce in each species to the number of acres or of slaves?

One working slave to an acre of cane, and one to three acres of cotton; the average proportion, a hogshead of sugar and a hundred weight of cotton per acre.

Is the corn, grass, or ground provisions raised in the said island produced from separate farms, or from lands annexed to the plantations respectively, and worked by the negroes belonging to the said plantations?

Corn, grass, &c. are produced, as well from separate farms, as also from lands, parcel of the plantations worked by negroes belonging to the said plantations.

What is the kind of manure made use of in the said island?

Manure made from mould, trash, and the dung of horses, cattle, sheep, &c.

If in general the planters were to employ mules and cattle in carrying out the manure, would it not be for the advantage both of the negroes and the owners?

Not practicable, for want of forage at particular seasons; was it practicable, it would be for the advantage both of negroes and owners.

Upon any plantation, with a given stock of negroes, and yielding, on an average, a certain annual quantity of sugar, what may be supposed to be the net income to the owner, if living on the island, after deducting the charge of maintaining and cloathing his negroes, the wear and tear, and other necessary expences? and what the net income to the owner living in Great Britain?

We suppose the net income will be greater to the owner, if living on the island, than to the owner living in Great Britain.

What is the disposition of the free negroes with respect to labour, particularly continual or diurnal labour?

In general averse to labour of any kind—all of them averse to labour in the field.

Are not the French planters able to send their sugar to the European market at a lower price than the English do?

We apprehend they are.

Can you say, on an average, in what proportion cheaper than we do?

We

We cannot fay.

Can you affign the caufes of their fending it to the European markets cheaper?

We cannot.

Does the Englifh planter cultivate his land at more expence than the French? State the particulars, and the reafons why.

We believe he does—The foil in the French iflands being much richer, and the quantity of land greater than in thofe of the Englifh, from whence they are able to raife larger quantities of provifions for the fupport of their flaves than we are.

Do not the French purchafe from our traders a great proportion of the negroes they want; and do they not pay a higher price for them?

We believe they do—But they require fewer negroes in the cultivation of their lands than we do.

Does not a French plantation, confifting of a given number of negroes, require a larger proportion of imported negroes to keep up the ftock, than the like plantation requires in our iflands?

We are informed it does.

Is not the price of freight for a given quantity of fugar from the French iflands to Europe, greater than the price of the fame quantity from the Britifh iflands?

We are not informed.

What has been the average price of fugars in the Englifh and foreign markets (particularly the French and Portuguefe) for as many years back as an account thereof can be made up?

We have not the means of information.

Are the fhips which bring negroes to the Britifh iflands employed in carrying back the produce of thofe iflands to Europe?

We apprehend they are not.

Can you fay what proportion thefe fhips may make of the number freighted from the iflands?

We apprehend none of thefe fhips are freighted from the iflands.

Monday,

Monday, 1st, and Tuesday, 2d February,

No debate arose; and on

Wednesday, 3d February,

Almost the sole material points were votes for the continuance of the malt and land tax.

A motion from Mr. Burges, for leave to bring in a bill, in all respects the same as that which the House entertained during the course of the preceding session, for the relief of debtors; for the more speedy and effectual payment of creditors; and for the relief of jails, so far as relates to imprisoned debtors. Leave having been given accordingly, and

Mr. Marsham.

Mr. *Marsham* having risen, and remarked, that wishing never to be accused of taking the House by surprise, and as from the circumstance of the ordnance and army estimates appearing to exhibit such small signs of reduction, compared with the estimates of the last year, he might possibly think it necessary to put some questions to those in Government, when the estimate should be submitted to the Committee of Supply on Friday next, he felt it right to give notice of his possible intention. He meant not, however, to pledge himself to the putting any such questions as he had alluded to, but merely to prevent, what he had described, a charge of having taken the House by surprise.

The House adjourned.

Thursday, 4th February.

Marq. of Graham.

The Marquis of *Graham* having premised his intention of moving for an alteration of the duty on exported tin, observed, that such a measure, far from becoming, at any moment, detrimental to the country, must operate essentially for its advantage. At present, there was a duty of 3s. 4d. per hundred weight on all tin exported; his motion would not, however, affect the duty on the exportation of tin for the European market, where we had no rival in that article, but went only to the repeal of the duty for such tin as might be exported beyond the Cape of Good Hope. He stated the necessity of endeavouring to open a market in the East Indies for the consumption of tin, with which commodity the home and European markets were so overstocked, as to render it impossible for the excess to be sold off, unless some new market was opened. The present excess was annually increasing, in consequence of larger quantities being raised than the proprietors could possibly dispose of: this was, in some measure, owing to the decrease of the use of pewter, and to the stoppage of working the Cornish copper mines, on account

count of others more productive, and more cheaply worked, being carried on to a very great extent in a different part of the country, which had thrown the Cornish miners out of their customary employ, and forced them to the mining for tin. The present scheme the Marquis stated to be founded in the hope of establishing a market for tin in China; and though he might not be quite so sanguine as those who had applied to Government and solicited this measure, yet, as nothing would be lost to the revenue, and as benefits might arise, he conceived it to be a proper experiment. In the years 1761 and 1762, a scheme had been practised and failed, which had for its object the supplying of the China market with English tin; the failure, however, was occasioned by circumstances which no longer existed. Tin was then at a high price in England, and at a low one in China: the prospect was therefore much fairer now, the reverse being at present the case, as tin was very low in England, and high in China. There were several strong inducements to encourage the export of tin; it employed a hardy and numerous race of useful men, who added greatly to the prosperity of the country by their consumption of its manufactures. The strongest and most important reason for the experiment was, however, that if it should succeed, and the East-India Company find a ready market in China for tin, it would lessen the present unavoidable exportation of silver.

In conclusion, the Marquis moved, "That it is the opinion of this Committee, that the duties now payable on "the exportation of tin to the parts beyond the Cape of "Good Hope, do cease, determine, and be no longer pay-"able."

The House adjourned.

Friday, 15th February.

Sir *John Riggs Miller* rose, and introduced his speech by observing, that agreeable to the repeated notices which he had given the House, in the course of the two former sessions of Parliament, of attempting an equalization of the weights and measures of this country, he meant to move, "That the "clerks of the market of the different cities and market "towns throughout England and Wales, and the town of "Berwick upon Tweed, and the clerks of the different coun-"ties in the same, do forthwith make out and transmit to "the sheriffs of the respective counties in which the said "towns are situated, returns of the different weights and "measures now in use in their respective cities and market "towns, as well as specifications and descriptions of any par-"ticular commodities that are bought and sold by any cus-"tomary denominations or proportions of weight and mea-" Sir John Miller.

"sure, as far as any such have come under their obser-"vation."

"That the said order be sent to the sheriffs of the several "counties in England and Wales, and be by them trans-"mitted to the clerks of the markets in their respective "counties; and that the said sheriffs do return to the clerk "of this House, to be by him laid before the House, the "returns they shall receive from the clerks of the mar-"kets."

Sir John said, his reason for not introducing Scotland into his present motion, was not because the weights and measures of that country possessed either equality, proportion, or conformity; on the contrary, they were more various, more uncertain, and more intricate, than even those of England, according to the statements transmitted him by the first mercantile associations, guilds, sheriffs, and other municipal officers and magistrates of that country, who were unanimous in testifying much anxiety for the success of the proposed investigation; entering fully and seriously, for he must not say soberly, into the grievances endured; soliciting their correction, and suggesting remedies; but his reason for not including Scotland in his present motion was, that by the 17th article of the Union, "From and after the Union, the "same weights and measures shall be used throughout the "united kingdom as are now used in England; and standards "of weights and measures shall be kept by those burghs in "Scotland, to whom the keeping the standards of weights "and measures, now in use there, does of especial right be-"long; all which standards shall be sent down to such "respective burghs, from the standards kept in the Exche-"quer at Westminster, subject, nevertheless, to such regu-"lations as the Parliament of Great Britain shall think fit." Under this article, he conceived that whatever improvements or corrections might be effected by the British Parliament in the present state of the weights and measures of this country, the same must be easily, if they are not indeed necessarily, imparted to Scotland, by any such act of our Legislature. Sir John said, he was confident that it would be fully admitted him, as the basis of his investigation, that the weights and measures of this country ought to be equal and uniform; that they were not so, was demonstrably evident: it was, therefore, his duty, as it was very much his wish, to open to the House, at this early stage of the investigation, his general ideas upon a subject, which had engrossed much of his time and attention, and which, from its moment and importance to the Public at large, had already obtained (he spoke it from experience) the approbation, support, and encouragement of the most respectable communities and indivi-

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duals of all descriptions without those walls. His first object would be, then, to satisfy the House of the uncertainty and perplexity which at present prevailed, and which had at all times prevailed, in the weights and measures of this country. His second should be, to lay open to them the causes which, in the present circumstances and condition of our legal standards, make such inequality, uncertainty, and perplexity permanent and inevitable. In order to accomplish his first purpose with that respect, order, and consideration the extent and the importance of the subject demanded, he should close what he had to say this day with the motion, of which the House were already in possession, which, when complied with, would demonstrate, under the first and best authorities, and beyond every possibility of doubt, hesitation, or contradiction, the existing disorders in the weights and measures now in use in every part of this nation. His second purpose, viz. the decided incompetency of our present legal standards, he meant now to go into at large, which he doubted not but that he should establish and confirm before he sat down: he, however, felt it to be his duty, without preface or delay, to submit the remaining general outlines of his plan, in order to advance its investigation, to promote its improvement, to invite its correction, and to solicit its support. Sir John said, his third object, which should lie over for a future day, would be to state to the House, the mischievous influence of the inequality of our weights and measures upon the commerce, and upon the comforts of individuals, as well as of the community at large. His fourth would lead him to offer some immediate corrections of the abuses now prevailing, through such inequality. And his fifth object, would be the suggesting some general standard, from which all weights and measures might in future be raised, being itself derived from something in nature that was invariable and immutable, and which must necessarily be at all times and in all places equal and the same. By such a standard, if once obtained, weights and measures might be corrected, adjusted, or regenerated with the utmost truth and facility, as the occasion should require. He should not impose upon the House for the present an attention to a philosophical discussion, which would better suit a more advanced state of the investigation, but content himself with merely acquainting them at that time, that the vibrations of a pendulum would, he hoped, prove such a standard. Sir John said, he meant then to return, and should confine what he had to offer to the House that day, to the sole statement and proof of his second object, viz. The causes which make the uncertainty, inequality, and perplexity in the weights and measures of this country, so long as they shall continue to

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be governed by our present legal standards, permanent and inevitable. This, he said, was the properest mode that had suggested itself to his mind of entering upon the proposed arduous and complex investigation, an investigation which had cost him much time and much labour, in the future progress of which, he then begged leave to lay in his claim to every indulgence and every assistance, both public and particular, to which the extent, the importance, and the intricacy of the subject, compared with his own insufficiency, could supply a title; for arduous, indeed, must be the attempt to remedy a mischief, which has for more than four hundred and fifty years baffled every exertion of the Legislature of this enlightened country that had been aimed at its correction or cure. Sir John said, he did not apprehend it would require much labour or difficulty to convince that House and the Public, of the impossibility of any degree of equality or uniformity existing in the weights and measures of a country derived from legal standards, originally defective in themselves, as possessing no degree of uniformity, or relative proportion to each other; that this was fully the case with our present legal standards, he should pledge himself to prove, under an authority which would defy refutation. To support his assertion, he should resort to two long and laborious reports of Committees of that House, that had sat in the years 1758 and 1759, under the order of Parliament, for the purpose of considering and reporting upon the state of the weights and measures of the country, &c. Of those reports, which were apposite and circumstantial, it was his intention to make a liberal use, and he should apply so much of them to his immediate purpose, as would, he trusted, amply sustain his present assertion. The Committee stated, after a very circumspect and deliberate investigation of their subject, "that for no less than 415 years, that is, from the "great charter down to the 16th of Charles I. the statute "book abounds with acts of Parliament, enacting, declar-"ing, and repeating, that there should be one uniform "weight and measure throughout the realm; and yet every "statute complains that the preceding statutes were ineffec-"tual, and the laws were disobeyed." The Committee, in the next place, having called for and obtained the assistance of the best mathematicians and mechanics which this nation possessed, had all the weights and measures, accounted standards, in the Exchequer, the Guildhall, the Mint, &c. most accurately sized and compared with each other, and reported [illegible] and disagreement with the nicest exactness, [illegible] a line. With such comparison and [illegible] even to the minutest subdivisions of a grain [illegible] "the [illegible] the Committees say, "[illegible] regard to longitudinal measures, the [illegible] "standard measures for length, kept in the Exchequer, are "two [illegible]

" two only, (viz. yards) the one of Henry VII. the other " of 1601; they are both very coarſely made; they do not " agree exactly; the diviſions that are upon them are not " accurate; the rods appear to be bent; and are therefore " very improper ſtandards." The Committees ſay, that they could not learn or diſcover that any other longitudinal meaſures exiſted which were accounted ſtandards, ſave only ſuch as had been copied from thoſe two very imperfect originals. Of meaſures of capacity, the Committee reported, " That the buſhel uſed as ſtandard at the Exchequer holds " leſs than eight ſtandard gallons by about half a pint, and " the ſtandard gallon holds leſs than four ſtandard quarts by " a quarter of a pint, and two of the ſtandard pints do not " quite fill the ſtandard quart, of which there is but one at " the Exchequer." The Committee a little farther on obſerved, " That of meaſures of capacity the gallon ſeems to " have been our old ſtandard; for the buſhel, hogſhead, &c. " are uſually referred to that, and the quart and pint may " be conſidered as aliquot parts of a gallon, though of the " gallon itſelf we have never yet had a proper ſtandard, be- " cauſe from the figures of the veſſels that are eſtabliſhed " as ſuch, they can neither be guaged nor meaſured exactly " even with liquors." In regard to the ſtandard weights, the Committee ſtates, that " the ſtandard weights remain- " ing in the Court of Receipt of Exchequer, being com- " pared with thoſe in the Tower, as well as with thoſe in " the poſſeſſion of the hall-keeper of the Guildhall, and alſo " with the weights of the Mint, were all found to diſagree " with each other," inſomuch, that the Committee cloſe their account of them, by obſerving, " that by every com- " pariſon they had made, there appeared to them to be a " conſiderable difference in the ſtandard weights and mea- " ſures, in whatever manner they had been tried." The Committee had alſo, with a moſt laudable induſtry, compared the ſtandard weights uſed by ſcale-makers, who make weights for ſale, with all the exiſting legal ſtandards, and found a general and univerſal diſagreement between them. Sir John ſaid, there was another circumſtance he could not avoid taking notice of in this place, that had ſtruck him with no ſmall degree of ſurpriſe, as he preſumed it would do the Houſe; and that was, that having himſelf had ſeveral of the buſhels accurately meaſured, which, it was to be preſumed, had been ſent from the Exchequer to the clerks of the different markets, by which their returns are made of the price of corn, in the various diſtricts of the kingdom, for periodical publication in our Gazette, no two of theſe buſhels were found to be of the ſame ſize, nor did any one of them agree exactly with the ſtandard buſhel of the Exchequer.

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Whether this discordance had arisen from negligence, from ignorance, or from fraud in the workmen, or from whatever other cause it might have been derived, it most certainly merited inquiry and correction. He said, that having, at this very moment, in his possession the greater part of those returns from the clerks of the peace and the clerks of the markets, which it was the object of his present motion to bring speedily and formally before the House, he did not hesitate to assert, that the slightest and most cursory inspection of them, when properly before Parliament, would fully satisfy the most diffident and scrupulous enquirer of the present prevailing inequality, intricacy, and disorder in the weights and measures of this country. And that this should be the case, whilst the very principles of truth, equality, proportion, and conformity were wanting in our legal standards, of which he believed the House must be now fully satisfied, was certainly not extraordinary, for it could not be otherwise, and must endure, so long as our present legal standard should be continued permanent and inevitable.

He said he did not mean to take up more of the time of the House for the present, assuming that he should hereafter establish his first, as firmly and substantially as he conceived he had already established his second, object. The remainder of his investigation he should postpone, until his motion to the House for a Select Committee to take the returns now moved for into consideration, &c. He should add but a few words more, while he was yet upon his legs, in support of the general necessity and expediency of going forward with the inquiry which he had felt it his public duty to bring before the House. Sir John said, that surely nothing could be more degrading, more absurd, and more preposterous, than that, which should be the clearest and plainest of all possible things, and ought to be on a level with the lowest and the humblest capacity, should prove to be undefined in law, obscure in practice, and involved in perplexity; that, by which men buy and sell, pay, contract, barter, eat, and live; that, which it is the first interest, as it is certainly the first duty of every Government, whatever be its character, climate, or constitution, to reduce to such simple and self-evident principles, that the meanest intellect shall be at par with the most dexterous; so that the poor man, the blind man, the child, and the ideot, for whose protection all laws were more especially established, should be insured the receipt of the full value in commodity for their money, and the full value in money for their commodity. Was this the case in the present state of our weights and measures? It most certainly was not; and the consequences were, that they must necessarily be detrimental to our commerce, disgraceful

to our policy, and injurious to our people. The Legiſlature could not ſurely find an object more worthy of its dignity and of its duty, and better ſuited to its reſponſibility, than that of applying remedies to abuſes which ſo deeply affect a very large portion, might he not ſafely ſay, every ſingle individual, whom it was bound to protect, and for whoſe injuries, in the preſent inſtance, it ſtood greatly, indeed ſolely, accountable, as well as reſponſible; for without its countenance, every inquiry muſt be vain, and without its ſupport, all reform muſt be uſeleſs. We cannot go, ſaid Sir John, from one pariſh to another, or from one market town to another, without learning a new language, which no grammar or dictionary teaches us; we can neither buy nor ſell, or contract, without an apprehended impoſition. An acre is not an acre, nor a buſhel a buſhel, if you travel but ten miles—a pound is not a pound, if you go from the goldſmith's to the grocer's; nor a gallon a gallon, if you go from the alehouſe to the tavern. What purpoſe in nature can all this confuſed variety anſwer, except the perplexing all dealings, and the benefiting knaves and cheats. In many counties, Sir, it is a norious fact, and I am ready to prove it, that the poor threſh out corn and other grain by the largeſt cuſtomary buſhel, and buy their bread by the ſmalleſt; this, indeed, Sir, is literally working by long, and eating by ſhort, meaſure. Surely, Sir, to fix upon one weight, and one meaſure, which ſhall have a ſufficient compaſs for including all that can be bought or ſold, ſeems to be a matter ſo reaſonable, and implying ſo little hardſhip, that it is not eaſy to find an argument againſt it, beſides what may be drawn either from the devotion to cuſtom, the knavery or the caprice of mankind. What is it to an honeſt man by what weight or by what meaſure he buys or ſells, while he continues to receive or to pay the ſame market price for the ſame quantity and quality of commodity? And ſuch would be the caſe, when the relative proportions between any ſtandard which the Legiſlature may at any time chuſe to eſtabliſh, with thoſe hitherto in uſe, ſhall be aſcertained by accurate ables, converting the former weights and meaſures into the ctual ſtandards: a matter, ſurely, of very little difficulty. he poor complain, and their complaints ſhould always be ſtened to, that they have too little in weight and meaſure r their money and their labour. Their dealings are chiefly, deed, neceſſarily at ſmall ſhops, and with petty retailers, ho receive an immoderate profit upon articles of the worſt uality, and theſe again greatly defective in weight and in eaſure. This is, undoubtedly, one cauſe of the diſtreſs of e lower order of our people, and neceſſarily of the great increaſe of the poor's rate throughout the kingdom; (for the

truth

truth of my assertion I appeal to every country gentleman who hears me) whilst they who occasion these distresses, the artful and dishonest venders, by an habitual perseverance in such iniquitous practices, pollute and contaminate their minds and their morals, though they may possibly improve their fortunes, and find themselves in the end compelled to relieve the very objects of their own oppression. Sir John concluded by moving the two resolutions, which were unanimously agreed to.

The order of the day, for the House to resolve itself into a Committee for granting supplies to His Majesty, being read, the Speaker left the chair, and Mr. Gilbert, as Chairman, took his seat at the table; when the different estimates relating to the army and ordnance services, for the present year, were referred to the consideration of the said Committee.

Sir George Yonge.

Sir *George Yonge* (Secretary at War) then rose, and observed, that the army estimates of this year were nearly the same with those sanctioned by the House the last year; the exceptions, however inconsiderable, were, the estimate of the new corps of 200 men destined for New South Wales, and an addition of 10,000l. to the half-pay list. The estimates of the army, with this difference, being precisely the same with those so fully discussed and decided upon by the House the last year, the Secretary at War was therefore of opinion, he need not trouble the Committee with any argument on the subject, unless a fuller explanation should be thought necessary; in that case, he was ready to afford every satisfaction in his power, reserving to himself the privilege of speaking again, as occasion might require. He concluded with moving, "That it is the opinion of this Committee, "that a number of land forces, amounting to 17,448 effec- "tive men, commissioned and non-commissioned officers, "including 1,620 invalids, be employed for the current "year."

Mr. Marsham.

Mr. *Marsham* expressed his expectation of having heard some more satisfactory detail of the present estimates from the right honourable Secretary; but before he should trouble the Committee with any observations on the subject, he requested His Majesty's speech might be read. The clerk having accordingly read the two first paragraphs of the Speech from the Throne, Mr. Marsham then proceeded to animadvert on that passage in which His Majesty states the continued assurances of the good disposition of all foreign powers towards this country; and from this statement argued, that the present expensive establishments ought either to be reduced, or some satisfactory reasons assigned by His Majesty's Ministers why, during the time of profound tranquillity, a

system of economy was not pursued, and a consequent reduction did not take place. The estimates of the army were augmenting after an unprecedented example; and this, he believed, was the first instance in which this country, after so many years peace, had not reduced the army to the usual level of a peace establishment. Though the people now laboured under the pressure of very heavy burdens, yet, since the policy of the country required every possible support of the sinking fund, for the diminution of the national debt, this might not be the fit period to alleviate those necessary and unavoidable burdens. Taxes were now multiplied beyond what they had ever been; the general political safety of the empire might not yet warrant any reduction. It was, however, the indispensable duty of every Member of Parliament to watch, with a jealous eye, the progressive augmentation of the army, and to suffer no profusion of the public money to pass unnoticed. He was, therefore, the more solicitous to know the reasons, why the estimates under consideration were continued on so large and expensive a scale, and had so far exceeded the peace establishment proposed at the conclusion of the late war.

Mr. Marsham now contrasted the army establishment proposed in the present estimates, with the army establishment of 1775, a year of peace prior to the last war. At that period, seventy regiments, consisting of 474 men each, were on the establishment; but at this time there are seventy-seven regiments, of 466 men each, which makes an addition of seven regiments and about 700 men. The peace establishment was settled in the year 1783 at sixty-eight regiments; which, as it was then generally understood, were soon expected to undergo a further reduction of four regiments; making an establishment of sixty-four regiments. Now the present peace establishment, as was already observed, exceeded that of the year 1775 by seven regiments and about 700 men; and that proposed in the year 1783, by thirteen regiments. This alarming progressive increase of the army establishment, demanded a particular explanation; especially when it is considered, that our territorial possessions, to defend and to garrison, are now less in extent than in the year 1775, by the loss of thirteen American colonies, of the province of Florida, and of the island of Minorca. Notwithstanding our loss of territory, our army establishment, instead of enduring a proportionable reduction, as might have been reasonably expected, had invariably observed a progressive augmentation.

The increase of our military force appears still the more surprising, when our relative situation with other countries is considered. In no quarter of the globe were our posses-

ſions in danger of attack from France; nor had we any thing to apprehend from the Dutch, now our good friends and allies, prejudicial to our national intereſts. While France was not in a capacity to interrupt our tranquillity, nor Holland diſpoſed to retard the progreſs of our increaſing greatneſs and proſperity, was not this an additional reaſon for reduction, retrenchment, and economy? Did the defence of our Weſt-India poſſeſſions require an augmentation of our military force? Thoſe moſt intereſted in the preſervation of thoſe valuable parts of the Britiſh dominions, were of opinion, that an army was ill calculated for a bulwark of their defence. The garriſon of Gibraltar, at this moment, contained only ninety men leſs than the number formerly thought ſufficient for the protection both of that fortreſs and Minorca together. Judging from our relative ſituation with other countries, and from other favourable circumſtances, Mr. Marſham ſaid, no opportunity, in his opinion, could ever preſent itſelf to this country, ſo favourable to a reduction of our army eſtabliſhment, as the preſent. Though our finances were flouriſhing, and in a great degree had anſwered the flattering expectations entertained of them, yet of this he was confident, that our expenditure had ſo much increaſed, that he had ſerious doubts whether it did not equal the whole amount of the ſinking fund; and that, therefore, little progreſs either had been, or could be, made in the diminution of the national debt. He ſhould, however, avoid any particular remarks on the great political events which had recently taken place abroad; it was a ſubject too delicate for him to handle. Should there be any thing in the complection of affairs abroad, which, in the opinion of His Majeſty's confidential ſervants, rendered ſo large and expenſive a military eſtabliſhment a prudent and neceſſary meaſure for this country to adopt, he would willingly forbear all further inquiry into the particular circumſtances. He thought it, however, his duty, as a Member of Parliament, to ſtate theſe obſervations; and that the Houſe had a right to expect ſome more ſatisfactory explanation on the ſubject, before they proceeded to vote ſo much of the public money for an army eſtabliſhment in a year of peace; and eſpecially when His Majeſty had been pleaſed to communicate from the throne, that he continued to receive aſſurances of the good diſpoſition of all foreign powers towards theſe kingdoms.

Mr. Pitt. Mr. Chancellor *Pitt* complimented the honourable gentleman (Mr. Marſham) for his open, manly, and candid manner of treating a ſubject, on which every Member of Parliament was unqueſtionably entitled to every proper information; and ſo far was he from wiſhing to avoid an inveſtigation of the ſubject, that he moſt ſincerely courted a diſcuſ-

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fion in that Houfe of every part of the public fervice, that the more fully it were explained, the better it might be underftood. The honourable gentleman, with becoming propriety, had ftated his doubts refpecting the eftimates; and it was the acknowledged right and peculiar duty of every Member of Parliament, when he had reafon to entertain doubts refpecting any branch of the public fervice, or the manner in which it was conducted, to ftate them, and expect every fuitable information. The firft and general ground which the honourable gentleman affumed, for doubting the propriety of voting fo large and expenfive an army eftablifhment as was now propofed, was the friendly affurances of the continued good difpofition of all foreign powers towards this country, expreffed in the King's fpeech. His Majefty had alfo affured them, "that the internal fituation of different parts of Eu- "rope had been productive of events which had engaged his "moft ferious attention." From thefe declarations, were we warranted to conclude, there was any probability that this country might be precipitated into a war, when only a poffibility might be intended, that we might ultimately be involved? Though Great Britain continued to receive profeffions of the friendly difpofitions of all foreign powers, nor was there any reafon to queftion their fincerity, yet the turbulent fituation of the greater part of the Continent, and the events that might originate from this fource, rendered it uncertain, but we might eventually fhare in the general hoftility; though he trufted, the moderation of His Majefty, and the fyftem uniformly purfued by his Minifters, would infure us a long continuance of peace, yet it became us to be prepared. This was the time for fecuring the permanent tranquillity of the country, when our former enemies were engaged in their own domeftic concerns, and we were adding daily to our ftrength, wealth, and profperity. The honourable gentleman had expreffed his furprife, that no attempts had been made towards leffening the burdens of the fubject, by any reduction of taxes. Mr. Chancellor Pitt faid, that he might venture boldly to affirm, that no man in the kingdom could look forward with greater anxiety than he to that moft defirable event, when the people might be relieved from a part of their heavy burdens; yet, for many reafons, he was convinced, though our profpect was favourable, this was not the fit moment for a reduction of the army, lower than was propofed in the prefent eftimates; fince, in his opinion, the only true method to fecure a permanent continuance of peace, was to provide againft the continuance of war; by keeping the country in a proper pofture of defence, and rendering her refpectable in the eyes of neighbouring nations. The fureft means to afford the people relief, was

by preserving the credit of the country, and placing it in such a situation, in which it could not be exposed to any sudden disaster. A small saving now, might prove the worst economy, by involving us in disputes which might be attended with greater additional burdens to the kingdom. He would, therefore, rely on the generosity, spirit, and industry of the nation, to support the respectability and credit of the country.

To obviate the doubts suggested by the honourable gentleman, of the propriety of the present army establishment, on the general ground of the paragraphs in His Majesty's speech, containing the friendly assurances of all foreign powers, he thought it necessary thus much to trouble the Committee with his sentiments. He should now proceed to answer the objections urged by the honourable gentleman, from the particular ground of a comparative statement of the present army establishment, and that which was prior to the last war. He agreed with the honourable gentleman in most of his statements; but if the estimates were but accurately examined, the difference between the actual establishments in question would appear very inconsiderable. The expence, he was ready to admit, was much greater; but this would be an unavoidable circumstance—the aggregate difference might be computed at 30,000l. The plantation estimate, that of the guards and garrisons, might exceed in expence those of the establishment before the war about 20,000l. The remaining difference is easily accounted for, in the articles of half pay, of Chelsea, and the pensions allowed the widows of those brave men who had perished in the service of their country. Though the debt accumulated by a long, extensive, and unfortunate war, bore heavy upon us, yet, to the credit of the nation be it ever spoken, that while they were straining every nerve to recruit her resources, improve her revenue, and diminish her public incumbrances, they did not stint the funds of compassion, generosity, and benevolence.

The present state of Europe did not solely affect the question; for a particular regard ought to be directed to the situation of our own territories. It was observed, we had lost thirteen American provinces; but did not our remaining territories in that quarter of the globe obviously appear, to every considerate person, to warrant an augmentation of military force for the protection of our inland frontiers? The exclusive provinces of Canada and Nova Scotia, demanded for their defence a larger military establishment than all our American possessions, before the war, taken together. It was, therefore, evident, that the reductions of our establish-

ment in this quarter, could not take place in that proportion which, at the first view, might be expected.

The honourable gentleman said, that we had added to our force in other parts about four thousand men, and particularly insisted on the augmentation of the garrison at Gibraltar. The addition of a thousand men was thought necessary for the defence of that valuable and almost impregnable fortress, on the recommendation of the first military authorities; and considering the importance of which this place proved to Great Britain in the course of the last war, would any Member grudge the expence of one, or even two thousand men, for its better security, when thought adviseable by competent judges. With respect to the addition of our military force in the West Indies, he should decline at present entering into any detail, as the subject had already undergone the most ample discussion, and the House had decided on the question. To save the expence attending the necessary augmentation of our force for the protection of our plantations, would, in his opinion, be bad policy, as it might tend to weaken the security of those valuable possessions; for, did we not, in the course of the last unfortunate war, often experience the bad consequences of trusting to sudden levies for the defence of our West-India islands? He, therefore, hoped for the general approbation of the Committee, in endeavouring to put our plantations in such a situation of security against any future sudden attack, as might enable them, on such an emergency, securely to wait for reinforcements from this country. When these circumstances were duly considered, he flattered himself the peace establishment would no longer appear extraordinary. Upon the whole, it was evident, that in our foreign settlements, there was at present no room for reduction; and as circumstances continued the same at home, no alteration could be attempted, consistent with prudence or propriety. It might, however, be improper for him, who was not a military man, to enter more fully into the detail of the reasons which convinced him of the propriety of the present army establishment; yet, of this general, important, and fundamental principle, he was certain, and he felt no difficulty in declaring, that, in his judgement, it was a measure dictated by sound wisdom and good policy, that a peace establishment should be even such, in point of number and arrangement, as to render the army effective on the most sudden emergency. The present constitution of the army, which had been adopted for the permanent good of the service, was a system that could not have been carried into effect, without considerable additional expence. A greater number of officers than usual were retained on full pay, which, while it afforded an opportunity

of rewarding thofe who deferved well of their country, was, in his opinion, the beft means of preferving the army on that refpectable footing, that whenever the country fhould be precipitated into hoftility, it might be able to act with vigour and effect. Thus, by making our peace eftablifhment the foundation of a war eftablifhment, we fhall always be able to command a powerful and efficient army to anfwer the call of any fudden emergence. Thefe were his fentiments on the fubject, and he hoped they would prove fatisfactory to the honourable gentleman; but before he concluded, he faid, he muft take leave to obferve, that no man would be influenced by ftronger motives than himfelf, to look forward with an anxious and impatient eye to that happy period, when he fhould be able to come forward and propofe a reduction in the army eftablifhment; that were he at this moment to attempt fuch a meafure, from any view to economy or perfonal popularity, he fhould betray his duty to the Public, ftanding in the fituation he did, by rifking what he ever fhould hold dear—the fafety of his country.

Mr. Fox. Mr. *Fox* faid, he perfectly agreed with the right honourable gentleman, that the Houfe were greatly indebted to his honourable friend (Mr. Marfham) for having, that day, introduced a difcuffion of the army eftimates. He alfo agreed with him, that this might not be the period fit for the reduction of taxes. However harfh fuch an opinion might found in the ears of their conftituents; however irkfome and unpleafant it might be for gentlemen in office to broach it; and however unpopular and difadvantageous it might be for men in fimilar fituations with himfelf to avow it; yet he made no fcruple to declare it as his opinion, that great and heavy as the public burdens were, and however the neceffity of their continuance might be a matter of lamentation, this was not the time to diminifh them by a reduction of taxes. Every honeft man, every lover of his country, every admirer of the conftitution, and every one who had made political concerns the fubject of obverfation and ftudy, muft unite with him in opinion, that the Houfe ought ever to regard as facred thefe two grand objects—the prefervation of our excellent conftitution, and the fupport of our national credit. But while it was the indifpenfable duty of the Houfe to acquaint their conftituents, that for the purpofe of preferving the conftitution and our national credit, there might even be a neceffity of impofing additional burdens upon them, yet care ought to be taken that no unneceffary addition to the public burdens fhould be tolerated; that no undue advantage fhould be taken of the fpirit and refolution of the people to fupport the neceffary exigencies of the State, to do any thing under colour of defence, or of revenue, to the prejudice of the

the economy or the constitution of the country. He had never thought it expedient to make the internal circumstances of other nations, the subject of much conversation in that House; but if there ever could be a period in which he should be less jealous of an increase of the army, from any danger to be apprehended to the constitution, the present was that precise period. The example of a neighbouring nation had proved, that former imputations on armies are unfounded calumnies; and now it was universally known throughout all Europe, *that a man, by becoming a soldier, did not cease to be a citizen.* It was not, therefore, in a constitutional point of view that he dreaded the increase of the army, but on the ground of economy. That this country had escaped the tumults and distractions in which other countries were involved, might be imputed to our having passed the ordeal, and our being long in possession of what other countries are now laudably contending for. We have long enjoyed the advantages of a free and happy constitution; and could, therefore, not be exposed to the difficulties arising from the necessity of framing a new one. Having stood clear in point of finance, and preserved our credit entire, we could not be exposed to the difficulties arising from a breach of faith, or from public bankruptcy. The first object of our attention, therefore, ought to be, the preservation of our constitution; on which alone depended the security, happiness, and repose of this country. The next object to which our attention ought to be directed, was the preservation of our credit, which was principally supported by a due regard observed to matters of economy and finance. To consult economy, we must look for reductions in some department of our public expenditure; and in no branch did it appear to him so practicable, as in the army establishment: but the augmentation of the army, it was said, had undergone the fullest discussion and decision of the House. This he begged leave to controvert: the question was undoubtedly debated, and carried by a considerable majority; but though the augmentation of our military force was then agreed to, it was not considered as a permanent peace establishment of this country, but a temporary establishment, to answer the exigency of the occasion, from a confidence in the judgement of the right honourable gentleman of its indispensable necessity. That many votes were given in favour of the measure, on this express ground, must be in the recollection of the House: by this observation, however, he did not mean to insinuate, that the right honourable gentleman had misled the majority into that opinion; for he was well aware, that at that time, the Chancellor of the Exchequer had held a different language from that just stated to have been that of many

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Members who then voted for the military augmentation in queſtion. Mr. Fox obſerved, that when the ſubject was agitated two years ago, though he had the misfortune to vote in a minority, yet his ſentiments were ſtill the ſame, that the increaſe of the army was wrong. His opinion, indeed, is but the more confirmed and ſtrengthened in proportion to the time that had elapſed; at the time, however, he did not ſtate his ſentiments in very ſtrong terms, as there might be many circumſtances in the knowledge of His Majeſty's Miniſters that called for an augmentation with which he could not poſſibly be acquainted. But theſe were matters connected immediately with the ſubject of which the right honourable gentleman had taken no notice; namely, the ſubſidiary treaties and alliances with foreign powers. We had formed an alliance with the States General, and the King of Pruſſia, of which he highly approved; as they muſt afford us aſſiſtance in the hour of extremity, and add to our reputation of ſtrength. The ſubſidy to Heſſe Caſſel ought to be regarded as an additional ſupply for the army; and, indeed, every foreign alliance ſhould be conſidered as an indirect augmentation of the army. Theſe treaties, therefore, he conceived, ought to have leſſened the expence of our peace eſtabliſhments. But he was told that theſe treaties might excite the envy and rouſe the ambition of other powers to combine againſt us; that the neceſſary conſequence, therefore, ought to be the augmentation of our force. Theſe arguments he did not then think very applicable; but now having had the ſanction of time, and ſtood the teſt of experience, and no unfriendly combinations having been formed againſt us, ought we not rather to expect a reduction, than an augmentation, of our military eſtabliſhment?

He would aſk, were we not now leſs liable to an attack than in the year 1787, when an increaſe of military force was thought expedient for the defence of the Weſt Indies? There might indeed then have exiſted ſome ground for apprehenſion of danger, known only to His Majeſty's Miniſters, which no man, differently ſituated, could come at; and ſo much credit is always due to the ſervants of the Crown, who, from their official ſituation, may obtain intelligence of foreign tranſactions, which might render an augmentation of military force in the Weſt Indies at the time, a prudent and politic meaſure for the majority of the Houſe to adopt. But whatever might have been the danger then to be apprehended, it was now certainly diminiſhed in a degree hardly to be calculated.

The concern expreſſed in the ſpeech from the Throne, at the events that had taken place in Europe, did honour to His

His Majesty; but on receiving those events, and estimating their probable consequences, did there appear any greater likelihood of an attack to be made on this country, than before the events in question took place? Was it at all probable that France, while her whole attention was occupied by so important an object as the arrangement and formation of her constitution, would attack our West-India islands? The necessity, therefore, urged of keeping up so large and expensive a military establishment in that quarter of the globe, must be founded in idle chimeras, and vain pretences. The new form which the Government of France was likely to assume, he was persuaded, would render her a better neighbour, and less disposed to hospitality, than when she was subject to the cabal and intrigues of ambitious and interested statesmen. From Spain we had little to fear, when not impelled by the force of the family compact. From what quarter, then, were we apprehensive of danger to our West-India possessions? Every circumstance tended to confirm the certainty of greater safety to the West Indies at this time, than at any other period; and therefore a reduction of our military establishment there might now have been expected: but he was told, that each island must have such a force, in time of peace, as might be sufficient to defend it in time of war. To this plan he always objected; because he firmly believed it impracticable; but he particularly complained that the plan had never been explained in detail; nor had it ever been specified what number of troops was requisite for the defence of each island. To such an explanation, in his opinion, the House were now entitled. Gentlemen ought also to attend to the continued augmentation of the troops in the East Indies; and that when they voted this increased army estimate, they had not voted the whole expence; because the amount of the extraordinaries must increase in a much greater proportion. What the reasons were, which induced His Majesty's Ministers to continue the increased establishment, he could not say; nor was he at all desirous of hearing what they might think it their duty to conceal. From all that appeared to him in the situation of the country, and in the general state of Europe, he had no difficulty in saying that the present was the proper time for reducing the army. With regard to the honourable gentleman's comparative statement of the army establishment, which, he contended, was nearly the same now as it was at the time preceding the last war, Mr. Fox observed, that the comparison was inaccurate, unless the expence of the subsidiary treaties were included; and that the whole argument, therefore, must be fallacious. If the establishment proposed in 1783 was right, the present was undoubtedly wrong. He should only say, the most pardon-

able error a Minister of this country might perhaps commit, was to make the peace establishment of the army lower than it ought to be. With regard to the increase of the garrison at Gibraltar, he was not inclined to say much, because His Majesty's Ministers might have reasons that induced them to believe such an augmentation necessary; if so, he was of opinion the men were well bestowed, and the additional expence no profusion. It was also observed, that as Holland and Prussia were our allies, from whom we might expect assistance, they also, agreeably to the stipulated terms, were entitled to support from us. True: but did it from thence follow, that we ought to augment our military establishment? Was it not obvious to the merest smatterer in politics, that the assistance expected from us by our allies, was not in an army, but in ships, sailors, and money? The argument in favour of an increased army establishment, upon this ground, was therefore false and inconclusive. Some persons might be of opinion, that this was the time to take advantage of the situation of France; it undoubtedly was so; but how ought this to be done? Not by triumphing in her distress—not by ungenerously attacking her dominions, when she was but ill able to defend—not by following her example towards this country in the late war; but by convincing her, that while we were generous to her, we were considerate to ourselves, by taking the advantage of her situation to reduce our establishment, with a view to the diminution of our national incumbrances. This was the only mode of retaliation he should prescribe for this country to observe; this appeared to him the best method to improve our finances; to guard against similar disasters; and to repel, with vigour, any attack which the new constitution and the revived credit of France may hereafter enable her to make upon us. This mode appeared very practicable, as far as the defence of the East and West Indies was concerned; and he would again affirm, that if the defence of our Asiatic and western possessions required at one time an augmentation of our military establishment, that necessity no longer existed; the situation of Europe having entirely removed it. The money they were about to vote that day, would be the least of the expence. Fortifications were erecting, and many chargeable consequences must follow. Supposing that the war between Turkey and the two imperial Courts of Austria and Russia was composed; that France had settled her new constitution, and was again herself; that the disputes in the Netherlands were accommodated, and His Majesty's pacific wishes gratified to their utmost extent; would any man, therefore, say, we had less reason to apprehend danger of attack from our possessions in either of the Indies than at present? and that there-

therefore it would be a more fit period for the reduction of our establishments in those quarters? No one would venture to hazard so absurd an opinion.

He was confident no time could be more proper, no period more favourable for the reduction of our establishment, especially in the West Indies, than the present. He therefore persisted, from the strongest conviction, in the opinions he had entertained on the subject in 1787, and was ready to vote in favour of any amendment applicable to the West-India estimate whenever it should be moved. He concluded with expressing his hearty approbation that the discussion had taken place, and sincerely hoped that the army estimate would never be suffered to pass unnoticed by the House as mere matters of form.

Colonel *Phipps* remarked, that he could not avoid considering the particular mode in which the right honourable gentleman who spoke last had thought proper to allude to the conduct of the military bodies in France during the late commotions, as inapplicable to the drift of his reasoning, and rather a poor compliment to a profession to which he had the honour to belong. The right honourable gentleman should have recollected that we had a long established and happy constitution, and that the case was widely different in France. If the right honourable gentleman had looked to the conduct of the army here in 1780, he would have found much more substantial ground for panegyric. He would there have seen the soldiery of this country feeling as soldiers and citizens, not the first to head anarchy and cruelty, not violent in their conduct, not joining those who were riotously violating the public peace, and scattering ruin among individuals, but patiently submitting to insult, and in defiance of provocation maintaining the laws of the realm, and acting under the authority of the civil power. Such conduct was laudable in itself, worthy of imitation, and an example of the value of a well-disciplined army, even under a free constitution like our own. The right honourable gentleman had said that our enemies were not in a state of attacking our islands in the West Indies. That they were not in such a state, was evidently owing to two reasons: first, to their weakness, and secondly to our strength. We were happily superior in revenue to the French, and there was no occasion for this country to make a war of taxes; but to what did the right honourable gentleman's advice direct itself? what was it less than saying, "Don't be as strong as "you can; as your rivals are weak, do you be weak also?" He did not know why the extraordinaries of the army in the West Indies should be so great as the right honourable gentleman seemed to apprehend. The question that appeared

Colonel Phipps.

to him to result from the right honourable gentleman's argument was, Were we able or not to defend our possessions in the West Indies? If we were not, we had better give them up together. As to the necessity of defending an increase of frontier by a greater augmentation of military force than might have been requisite at a former period, this naturally and unavoidably arose from the circumstance of our having lost thirteen provinces.

Mr. Marsham. Mr. *Marsham* begged leave to repeat, but in more direct terms, in order to make one of his remarks, which appeared to have been misconceived, entirely understood; that if we maintained a larger army establishment than was actually necessary in time of peace, and by that means avoided the being attacked, all the expence was incurred to little purpose; whereas if we saved the money, we had it as sinews and nerves of war, whenever a war should be unavoidable.

Lord Fielding. Lord *Fieldi g* remarked, that with as zealous and inviolable a resp ct for the profession to which he also had the honour to belong, as that which actuated the hourable gentleman who had spoken last but one, he did not see what reason there was for the honourable gentleman's taking fire at what his right honourable friend had said respecting the recent conduct of the army in France. With regard to the conduct of our army in the time of the riots in 1780, surely that could not be called a similar case. At that time, a lawless, daring mob, had attempted to overawe the Legislature then sitting an agitating and important question, which did the highest credit to their feelings, their candour, and their liberality —Let the honourable gentleman look to the conduct of the army in 1688, when the feelings of the citizens of the army got the better of their feelings as Roman Catholics. When they were assembled at Black heath, and the King in person commanded his own regiment, he ordered all that would not stand by him and were unwilling to obey his inclinations to ground their arms. What was the consequence? The whole corps instantly grounded their arms. Notwithstanding that they were Papists, they rose superior to their religious superstitions, they felt for their country, and that army acted as the French army and every army composed of citizens would act; they refused to butcher their fellow citizens. It was not for the purpose of massacreing their compatriots that any person living could suppose that a British army would be brought forward.

Mr. Ford. Mr. *Ford* begged leave to remind the noble Lord that he had not attended to the different situations of England and France in the years 1780 and 1789. The French army not only attempted to overawe the King, but wanted to overawe the

the Government; for such at that time might the Committee of Paris be considered.

The following resolutions were now voted:

"That 578,562l. 14s. 1d. be granted to His Majesty for "the charge of the said 17,448 men, and for guards and "garrison.

"317,549l. 16s. for the forces in the plantations.

"8,245l. 10s. 1d. difference between the charge of the "British and Irish establishment.

"6,409l. 8s. general, and general staff officers.

"11,435l. 12s. 10d. to the dragoons, and foot in the East "Indies.

"10,808l. full pay to supernumerary officers.

"63,276l. 5s. 8d. allowance to Paymaster General.

"162,707l. 18s. 4d. reduced officers, land and marines.

"202l. 1s. 8d. reduced horse guards.

"4,097l. 10s. reduced officers of British American "forces.

"3,392l. 14s. 2d. officers lately in the service of the "States General.

"55,092l. 10s. reduced officers of British American "forces."

Captain Berkeley.

Captain *Berkeley* next rose, and briefly stated what were the differences between the ordnance estimate of this year, and the estimates of the preceding year. He remarked, that the greatest difference would be found to be under the head of "Unprovided Services," and assigned the reason for it; but said, upon the whole, the present estimates would be found to be less than the last year's estimates in about the sum of two thousand pounds. He concluded with moving,

"That 1575l. 4s. 5d. be granted to His Majesty for the "pay of the ordnance previous to the 31st day of Decem- "ber 1783."

Mr. Marsham.

Mr. *Marsham* declared, that although he did not object to the amount in particular, he saw that there were fourteen thousand pounds charged for the works going on at Gibraltar, and eight thousand pounds for each of the five islands in the West Indies, making together the sum of forty thousand pounds. Those latter five sums he disapproved of, because fortresses he conceived were not the proper nor most safe mode of defence for our West-India Islands that could be resorted to; and he had understood that the system of fortification proposed some time since by the Ordnance Board, was, in consequence of the decision of the House, to have been abandoned.

Captain Macbride

Captain *Macbride* trusted, that as the statement of the present ordnance estimates were totally silent concerning what was going on at Plymouth, the Committee would

consider

consider this circumstance as calling for their immediate attention. A large and long wall, fourteen feet high, had been erected round the lines at Plymouth Dock, to the great inconvenience of the inhabitants of the Dock, who were thereby excluded from the enjoyment of fresh air, which the people of Dock should have the liberty of enjoying as well as others. A complete new house had also been built within the lines of the Dock, for the governor, which extended one hundred and sixty feet in front. It was extraordinary that such a house should be built at the public expence, and no notice taken of it. The governor's office was a sinecure, and therefore there was the less occasion to build him such a dwelling. Another matter was, the works at Maker which were going on as fast as the corps of artificers, with which the House had furnished the Master General of the Ordnance, could proceed. In conclusion, Captain Macbride observed, that he did not entertain a doubt but that the honourable gentleman would be able to defend these facts, respecting which he should however think it his duty to take the sense of the House, at the next agitation of the question.

Captain Berkeley. Captain *Berkeley* answered, that he could assure the honourable gentleman, that the works at Maker were not as has been stated, but merely two redoubts. The governor's house had been voted for and paid, and the building would come within the estimate voted. The wall, which was said to deprive the inhabitants of fresh air, had not that effect; nor was it, he believed, fourteen feet high. The Board of Ordnance wished to give the people of Dock every possible accommodation, and he held in his hand the best argument to prove that the people of Plymouth Dock were perfectly satisfied respecting their conduct; it was an agreement of the inhabitants to return the Board of Ordnance thanks for their indulgencies. Captain Berkeley said he did not think his honourable friend over the way ought to find fault with these conveniencies, as they made the road to Fowey much more pleasant than it had ever been before. With respect to the fortifications in the West Indies, they had been presented to the House in an estimate and voted.

Mr. Rolle. Mr. *Rolle* observed, that he could declare to the Committee, from his own knowledge, that the people of the Dock were perfectly satisfied with the conduct of the Board of Ordnance; that the wall in question had originally been eight feet only, but that then it was ascended, got over, and greatly damaged; and as what it was to cover was held sacred, an alteration was indispensably necessary; but that a compromise had taken place, and upon iron palisades being fixed on the top of those parts of the wall that faced the

the avenues of the ſtreets, the inhabitants had no objection remaining, but were perfectly contented.

Captain *Macbride* perſiſted in the juſtneſs of his obſervations, and ſaid, that the Board of Ordnance, it was true, had effected a compromiſe by making a walk and road, and they were forced to comply with the one in order to get rid of the other. With regard to the works within the wall, it was curious that the hononrable gentlemen ſhould ſay they were conſidered as ſacred, when all the engineers, and even the noble Duke (of Richmond) himſelf, had owned that they were not tenable. Captain Macbride

General *Burgoyne* begged leave for the preſent merely to remind the Committee, that there was no ſuch thing as an eſtimate laſt year of the fortreſſes in the Weſt Indies. On the contrary, the argument againſt them of laſt year was (a ſtrong parliamentary one) that the Members of that Houſe were not doing their duty to their conſtituents, in voting away their money without an eſtimate which had received the conſent of the Houſe. He deſired to be informed whether it was with the participation of that great and gallant officer Lord Heathfield, that the additions to the works at Gibraltar were to be made. If that noble commander, who had diſtinguiſhed himſelf ſo eminently by his defence of that garriſon laſt war, had recommended the new works, he ſhould not offer the ſmalleſt objection. General Burgoyne

Captain *Berkeley* replied, the addition to the works at Gibraltar not only had the noble Lord's full concurrence, but his expreſs recommendation, and the recommendation alſo of the Board of Engineers, at the head of which was the engineer who had conducted the defence of the garriſon duthe ſiege laſt war. Captain Berkeley.

Mr. Chancellor *Pitt* begged, that what his honourable friend (Captain Berkeley) had ſaid, might not be miſunderſtood in reſpect to the fortifications in the Weſt Indies. He had himſelf expreſſly ſtated, when the fortreſſes in the Weſt Indies were firſt propoſed, that from the circumſtances of the caſe no eſtimate could be preſented, becauſe from the nature of the ſoil differing, as the operations proceeded, the expence would neceſſarily vary, but that as nearly as any judgement could be formed, the expence of the whole would be from 150 to 200,000l. Mr. Pitt.

Mr. *Baſtard* ſaid that he had propoſed that the wall ſhould be taken down altogether, but that a walk and road had been formed, and the people of the Dock were, in conſequence, perfectly ſatisfied with the Board of Ordnance. Mr. Baſtard.

Mr. *Marſham* reminded the Chancellor of the Exchequer that he had a few years ago talked of the ſavings which Mr. Marſham.

might

might be made by economy in the establishments of the public service.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he had but one short observation to offer, and that was, that there was an essential difference between the fortifications at home, and the fortifications abroad. In the West Indies the House had decided that the fortifications were necessary.

The Committee then voted,

13,869l. os. 6d. for ordnance not provided for in 1788.

3,411l. 14s. 4d. for the charge of a corps of foot for the service of New South Wales.

411,207l. 17s. 5d. for the charges of the office of Ordnance for the year 1790.

23,795l. 16s. 7d. for service performed by the office of Ordnance, and not provided for in 1778.

The said resolutions were ordered to be reported upon the ensuing Tuesday.

The House adjourned.

Tuesday, February 9th, 1789.

Mr. Flood Mr. *Flood* having desired to be informed from the Chair whether any particular business was at the present moment before the House, and being answered in the negative by the Speaker, begged leave to intrude himself, during a few minutes, upon the indulgent attention of the House, whilst he remarked that a subject had occupied his attention for a great length of time; that it was a subject of great Parliamentary importance; it was that which required the most serious attention of every individual of a free state. He lamented that no person more capable of doing it justice had taken it into his consideration, with a view of submitting its merits to the candid enquiry of an enlightened public: but as that was not the case, and he was convinced of the propriety of its investigation, he had conquered his diffidence, and had determined himself to stand forward upon this occasion; actuated by the purest motives, although not possessed of the best abilities, the happiness and welfare of the public was his object; and this reflection gave him confidence; he should not now enter into the merits of the subject, the mere allusion to which was sufficient to claim the most profound attention; this was all he should, at present, desire; it should hereafter be his business to explain it at full length; he meant now only to mention by way of notice, that his aim was to restore to the country its pure right of an adequate representation to Parliament; and he hoped that the present Parliament, before it expired, would make one effort which must do it honour, by voting for an equal representation of the people; he observed thus much, merely that

that a due attention might be paid to the subject; and, that nothing like surprise might, on any terms, be urged, he should allow due time—he therefore did not see that any possible objection could be made to this determination, nor that it could be complained of that he now publicly gave notice that it was his intention, upon the morrow fortnight, to resume the subject more at large.

Mr. *Burke* conceived that his honourable friend (Mr. Flood) had acted very properly, in thus giving timely notice of his intention to bring forward this important business: this was a moment, of all the periods in the history of the world, the most critical to all Europe; this hour was the most eventful that ever occurred in the history of Europe, and claimed the most profound attention of all those who wished to prevent tumult and confusion; it was true, that our House of Commons had, during the course of the preceding session, in his opinion, a little unnecessarily, declared that all the estates of this realm were fully and freely represented, (alluding to the resolutions on the Regency) but the differences of opinion on that occasion were small, when viewed and compared with the tumult of the present times; there was now a wild storm gathering over all Europe, and this he hoped would induce all the Members of that House to be vigilant and active for our preservation; it would, he hoped, prove a warning voice to them, so that it would operate to call them together, and most seriously attend to their public duty. Mr. Burke

Mr. *Flood* answered, that he must feel the utmost concern, indeed, if any of the honourable Members of that House should prove remiss, or discover any carelessness of their duty upon this important occasion; he should be still more sorry, if a resolution of that House in the last session, that all the estates of the realm were then fully and freely represented, could be in the least considered as operating like a deprivation of the privilege of enquiring into the state of our representation; nor could he seriously believe that any person would venture to assert, that we were not still entitled, if that should be deemed proper, to renounce the principles of these resolutions—resolutions which declared that all the estates were freely and fully represented, when it was impossible that we could have been represented at all—resolutions which in themselves were contradictory—— Mr. Flood

Here, the Speaker having reminded Mr. Flood, that at present there was no question before the House, the latter sat down.

Mr. *Jolliffe* observed, that in the last session of Parliament he had moved for leave to bring in a bill, to inclose the waste or commonable land of England; this bill had, on his motion, Mr. Jolliffe.

tion, been printed, and he had then postponed the consideration of its merit to the present time, with a view of allowing ample space for those who doubted upon the subject, to enquire into and canvass the business; in the interim, he had conversed with those whose opinion he held in the highest esteem, and he had the pleasure of receiving their concurrence; he should, therefore, under a conviction of the propriety of this design, now give notice that he meant to submit the merits of this plan to the consideration of the House this day se'nnight.

Mr. Gilbert brought up the report of the Committee of Supply, Army, and Ordnance Estimates, which were read a first time, and on the question being put, "That the resolutions be read a second time,"

Sir Grey Cooper.

Sir *Grey Cooper* begged leave to trespass upon the time and patient indulgence of the House, whilst he took the liberty of stating to them a matter, which, though it did not bear directly and immediately on the resolutions which had been debated in the Committee of Supply on the army estimates for the current year, and which were now reported to the House, yet, as it related to certain proceedings on the services, and grants voted for the army, of the last session, he conceived that any observations on those proceedings might fall more naturally into that Committee, or on the report, than any other, unless a day were to be appointed, by order of the House, for taking the point into consideration, which it was not his intention to move for. The observations which he had to submit to the consideration of the House, arose upon a short state of facts. The vote in the Committee of Supply for the army services last year, amounted to 1,518,000l. and a fraction. The vote for the extraordinaries of the army, from December 1787 to 1788, was 398,769l. making in the whole 1,917,062l. The resolutions were all reported to the House, and agreed to. In the Budget Committee, which was about the 10th of June, the Chancellor of the Exchequer said, that though this sum of 1,917,000l. had been voted for the whole of the army services, not more than 1,518,000l. would be demanded. On being asked to explain this assertion, he answered, that money sufficient to defray the expence of the extraordinaries had already been voted for other services, and would be forthcoming when it was wanted, or some words to that effect. Sir Grey said, that as he did not clearly understand how this large sum could have accumulated, or in whose hands it could have remained, as the law now stood, it was his intention to have made a motion for an account of it to be laid before the House; but being always unwilling to trouble the House with unnecessary motions, he had some conversation with

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persons in office on the subject; he took the liberty of speaking to the Chancellor of the Exchequer upon it, and of giving his opinion, that unless this sum of 398,000l. was voted in the Committee of Ways and Means, it could not be applied or appropriated to defray the expence of the extraordinaries voted in the Committee of Supply. The right honourable gentleman condescended to hear him with attention, and assured him that an account of the money would be laid in due time before the House, and that it would be voted in the Committee of Ways and Means. He heard no more of the matter in the last session, though he attended his duty in the House on the 17th day of July. On the first day of this session, he found, upon inquiry, that the money had actually been voted in the Committee of Ways and Means, on the 20th of July. He consulted the journals of that day, in which the whole proceeding is stated, and he looked with attention at the act for appropriating the supplies. He was surprised to find in the journal, and in the act, matters which he conceived to be highly informal and irregular. First, the account presented from the Pay Office, and the vote grounded upon it: secondly, the omission in the act for appropriating the supplies of the resolution for granting 398,000l. for the extraordinaries; he meant, on the side of the supply or expenditure; for it was stated on the other side amongst the ways and means.

Upon this occasion, Sir Grey Cooper requested that the journal of the 20th of July last might be read, so far as it related to the account of the vote upon it. He desired also that the 2d and 4th sections of the act for better regulating the Pay Office might be read. [They were read accordingly.] He then observed, that the proceeding stated in the journal was founded on a manifest error and gross mistake, which probably arose from the hurry in which the business was transacted, which, he admitted, was not uncommon at the close of a session. The account was moved for, presented, referred to, and voted in the Committee on the same day. If it had been ordered to lie on the table for a day or two, it might have occurred to some Member of the House, that by the express words of the act which had been read, no money whatsoever for army services should be issued to, or placed, or directed to be placed, in the hands of the Paymaster General. How this account, signed by Mr. J. Molesworth, Accomptant, came to be presented to the House, he could not yet comprehend. It must have been a false account: there was no money in the hands of the Paymaster General applicable to any service; there could be no balance in his hands: it must be false; for, in the consideration and intendment of that House, whatever was contrary to law,

was supposed to be impossible in fact. For his own part, he had been too long in office, and in the department of conducting the Treasury business in that House, not to know and to acknowledge that errors and mistakes would arise in the course of that business; and he made all just allowances for such errors, particularly at the close of a session; but in this case, the error was of more considerable magnitude and consequence than any he remembered; and there seemed to be no reason for delaying the presenting the account so long. The second point he had to state, was on the omission of the vote of supply for the extraordinaries in the act of approbation on the side of the expenditure. This was, in his opinion, not warranted by any precedent. He had, with some care, compared the services and grants with the acts for appropriating them, for many years past, and he could find no difference between them. In the year 1764, Mr. Grenville brought to the ways and means 350,000l. of savings on former army grants and of non-effective money and vacant pay of several regiments, which was understood to be set against the extraordinaries, amounting to 987,000l., but the whole sum for extraordinaries was stated in the supply side of the appropriation. In the present case, if the sum of 398,000l. had been voted on both sides of the account, then what the Chancellor of the Exchequer said in the Budget Committee, would have been brought about: the 1,518,000l. only would have been the expenditure of the army for that year. This was a dry subject, and he should not have dwelt upon it so long, if he were not persuaded that it was of the highest importance to that House, that in the exercise of their great and invaluable privileges, the sole exclusive right of granting aids and supplies to the Crown, and of appropriating the supplies, there should be no variation from the regular course and established order of their proceedings suffered to arise. The Speaker well knew, that this great right was gained by degrees, and with difficulty, after a long struggle and reluctance on the part of the Ministers of the Crown. It became firmly established at the Revolution, and was, in his opinion, the best security for the independence of that House, and the liberties of the people. Any departure or alteration from the line of former proceedings, might be quoted and interpreted to the disadvantage and to the prejudice of those rights and privileges. The other House passed this act, of which they could not alter a tittle, on the faith and confidence that the ancient rules and practice of proceeding had been adhered to, and that every thing was right in fact and in law.

Mr. Steele Mr. *Steele* answered, that it must be in the recollection of the greater part of the House, that the observations which

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the honourable Baronet had just made, was urged by him in the course of the last session, when a very full and complete reply, he conceived, had been given; but as the honourable Baronet did not yet seem satisfied, he would take up a few minutes time of the House, in restating what he had then stated. Mr. Steele then recapitulated the argument he had used on the same subject, in the course of the last session, and said, that the practice always had been, that the extraordinaries of the army, incurred in the last year, were paid in that year, although the House were not called upon to vote them till afterwards. He explained this, by stating, that since Mr. Burke's act had passed for the reform of the War Office, all the money in the hands of the Paymaster General, at the end of the year, was obliged to be paid into the hands of the Governor and Company of the Bank of England, and was thence drawn at the control of the Treasury, as it might be called for; and that out of this fund the extraordinaries were paid, but that, nevertheless, it was the duty of the Chancellor of the Exchequer to bring the estimates down to that House, and move that they might be regularly voted. He particularly detailed the transactions of the last year relative to the extraordinaries of the army which were voted in the month of May, although their services had been incurred and paid. If this had not been done, the Chancellor of the Exchequer would have been liable to censure, for having applied money to services that had not been voted. As to the appropriation act of the last year, if there had been any error in it, they had been betrayed into it by the appropriation act of the year 1783, which they had closely followed. There might possibly be an inaccuracy of expression in the language of the estimate, which, instead of stating 398,000l. in the hands of the Paymaster General, ought perhaps to have stated, that it was in the hands of the Governor and Company of the Bank of England.

Sir *Grey Cooper* remarked, that granting the act to be actually such as it was stated by the honourable gentleman, it could not overthrow the unquestionable position, that one error ought never to be regarded even as an extenuation, much less as a sanction for another. Sir Grey Cooper.

"*Nil agit exemplar, litem quod lite resolvit.*"

By the seventh clause of the Pay-office act, there was an anxious provision to prevent an accumulation of the army money in the Bank, and such an account was also irregular.

Mr. *Steele* contended, that if the fund in the Bank accumulated, it might be drawn out again, as he had explained, upon the Paymaster General's memorial to the Board of Treasury, conformable to the act of 1783. He was apprehensive Mr. Steele

henſive that the honourable Baronet, notwithſtanding his long experience in the Exchequer, had forgotten its practice, becauſe, although he was willing to pay every deference to the honourable Baronet's knowledge of public buſineſs, on inquiry the next day at the Exchequer, he generally found that the practice was, and had been, the other way from that which the honourable Baronet had ſtated in that Houſe.

Mr. Pulteney. Mr. *Pulteney* declared, that he was aſtoniſhed to diſcover that after ſo many years peace, the army eſtimates ſhould not only prove higher than they had formerly been, but in a ſtate of progreſſive increaſe. The preſent peace eſtabliſhment was conſiderably higher than the former peace eſtabliſhment: and that was ſo much higher than it ought to have been, that thoſe in power, not knowing how to diſpoſe of the great number of troops kept up, had ſent ten thouſand of them to North America, where it was notorious that they were not wanted, and could be of no real ſervice. For the ſame reaſon, moſt probably, it was, that the garriſon of Gibraltar was ſo much greater than it had formerly been. Miniſters inſiſted on the vaſt importance of that fortreſs, and took advantage of the popular eſteem attached to it, to diſpoſe of part of the ſuperfluous number of troops which they thought proper to maintain. It was ſaid, that the Spaniards would eagerly embrace an opportunity of recovering it, and therefore it ought to be put in a condition to prevent the poſſibility of ſurpriſe. Had not the Spaniards been always deſirous of recovering it ſince it was firſt taken? Was it in more danger of being ſurpriſed now than it had been formerly? Were they more eager now to recover it? Were they in a better condition, or more likely to make the attempt? To what end, then, was the garriſon nearly doubled?

Another argument for this increaſed eſtabliſhment was, that though we had loſt thirteen provinces in America, we had now a more extenſive land frontier to guard, in order to ſecure the provinces which remained. Was there any foundation for this argument? Was there the leaſt probability that the United States would moleſt our frontier? So far from it, that they did not ſeem in the leaſt inclined to obtain poſſeſſion of certain poſts which were ceded to them by treaty, which, on account of ſome conditions of that treaty not being fulfilled, were now poſſeſſed by our troops. This was another pretence for an additional number of men in America. Theſe troops were ſaid to be of great advantage to our trade; but ſo far was that from being the caſe, that he was well convinced the fact was juſt the reverſe, and that the United States were not even deſirous of poſſeſſing the poſts which thoſe troops occupied. The Weſt-India iſlands

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were the next source of the increased establishment. Why were they to be more numerously garrisoned than they had hitherto been? Were they in more danger of being attacked? Was France more to be dreaded in that quarter? Was Spain? Or what other power was the cause of our alarm? Another source of expence, connected with the former, was the fortifications. They had been opposed, and properly; but the plan on which they were now carrying on, was more objectionable than that which was opposed. The only way in which he could conceive fortifications to be useful in these islands, was to fortify some strong post in each, that might be able to hold out till a fleet could come to relieve it. Now he understood they were erecting such on the coast, and so near the water's edge, as to be within the reach of cannon shot from an enemy's ships, against which it was not likely that they could make any long resistance. The planters, it was well known, would never hold out against an army that threatened to burn their plantations. The augmentation of the King's troops in the East Indies, he had supposed might be necessary when the augmentation was made. On further inquiry, he was convinced that it was not; that there were even then too many King's troops in India; and though Lord Cornwallis and General Campbell, officers of high character, had recommended that augmentation, their joint opinion, much as he respected it, did not induce him to think that there was any good reason for distrusting the native troops; because it was natural for officers who had been accustomed to European troops only, to prefer those whom they had been used to command to troops which were new to them. He could not, therefore, see reason for this increased establishment, on any of the grounds alledged in support of it. A right honourable gentleman (Mr. Fox) had said in the Committee, that there was a certain degree of confidence to be reposed in Ministers. That right honourable gentleman had been a Minister himself, and might be a Minister again, and therefore might wish the House to be more liberal in their confidence to Ministers, than he otherwise would. For his own part, he had no idea of that confidence to Ministers, which was without responsibility; or that the House was to go on from year to year voting estimates on grounds which they were to suppose of too delicate a nature to be enquired into at the time, and which were never afterwards to be laid before them, to enable them to judge whether their confidence had been well or ill placed.

Mr. Secretary *Grenville* declared, that no man was more decidedly of opinion than he, that this country was to look for resources in the good state of her finances. It had been his fortune to employ part of his time on that subject, and, on

Mr. Grenville.

on that account, he might, perhaps, be ſuppoſed more anxious than others to recommend ſuch meaſures as tended moſt directly to prove that his calculations were well founded. But he ſhould think thoſe Miniſters unworthy of their ſituations, who, for the ſake of any temporary triumph or convenience, ſhould recommend inconſiderable ſavings, which might afterwards be productive of a much greater loſs. Were we, for the ſake of a preſent ſaving, to put our peace eſtabliſhment on ſuch a footing, as to invite or tempt an attack? The conſequence would inevitably be, that the ſavings of many years would be ſwallowed up in the courſe of a few months. Would any gentleman ſay, that the reduction of two or three regiments would be productive of benefit to the finances of the country, equal to the danger which it might occaſion to ſome of our poſſeſſions? The true ſyſtem of economy, in his opinion, was, to preſerve ſuch a peace eſtabliſhment in every quarter, as to deter any enemy from interrupting us in thoſe ſlower, but ſurer, operations for reſtoring our finances, which were compatible with that eſtabliſhment. The only true queſtion, therefore, was, what was a proper peace eſtabliſhment? and this queſtion he was at a loſs to argue in the way in which the honourable gentleman who preceded him had treated it. Was it poſſible for him to go through our various poſſeſſions, and to ſtate what was to be apprehended, and from what particular power in each? He was ſurpriſed that the honourable gentleman ſhould have thought the forts in America a fit ſubject of diſcuſſion, while a negociation was pending reſpecting them. Whatever might be the opinion now entertained of the importance of thoſe poſts, the ceſſion of them, at the concluſion of the peace, was very much blamed. Mr. Grenville then inſiſted on the ſtrong neceſſity for ſending troops to America; but he termed it a neceſſity founded on grounds unfit to be explained. From America he proceeded to Gibraltar, obſerving, that there alſo Miniſters could not ſtate where the fortreſs was weak, where it was ſtrong, and the number of men neceſſary to defend every new work. On theſe, as on ſimilar points, Miniſters muſt argue on their reſponſibility. The honourable gentleman demanded, if there was more danger of a ſurpriſe now, than there had been formerly? Did he mean to argue, that we ought never to guard againſt misfortune, till misfortune had actually happened? When he ſpoke of the Weſt Indies, he even argued againſt this principle, and maintained, that we ought not to guard againſt misfortune where it had happened; for, there we had been ſurpriſed, and our iſlands had fallen one after another, becauſe they could not hold out, when attacked, till the fleet could come to their relief. The honourable gentleman ſaid France

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was not formidable, and therefore danger was not to be apprehended from that quarter. For his own part, he did not think France very formidable when the augmentation was made two years ago; but still he was of opinion then, as he was now, that such a number of troops ought to be kept in each island, as might be able to defend it, in case of attack, till the arrival of a fleet. If the situation of France rendered her less formidable now than she was then, still it was not politic to alter our establishment on every alteration in the circumstances of rival powers. France, three years ago, had been declared by a right honourable gentleman (Mr. Fox) to be more formidable than even in the reign of Lewis XIV. A few years had produced the present alteration, and a few years more might produce another. It was, therefore, the policy of this country, to maintain a peace establishment on a general principle, and not on a partial view of the comparative situation of France. Mr. Grenville next touched on the number of troops in the East Indies, observing, that although those troops were paid by the Company, and not by the Public, he should think it as blameable to maintain there a greater number than necessary, as if they were charged immediately on the Public; and concluded with his general position, that the peace establishment there, as in other places, ought to be on such a footing, as to hold out no temptation to any power to attack us.

Mr. *Fox* rising next, observed, that the right honourable gentleman had indulged himself with so boundless a profusion in the use of general terms, as to render it difficult to meet his arguments by particular and pointed answers. Thus was it, that he had chosen to evade all ample and all satisfactory elucidations of the motives which had given rise to the present augmentation of the peace establishment of the army. Yet, when he made this remark, he did not mean absurdly to contend, that the stinted economy which might operate as an invitation to an attack, and bring on a war, was good economy; for all must acknowledge, that it would be wise to keep up a proper establishment, and that it would be improper to tempt an attack. The right honourable gentleman had not, however, given sufficient explanation on the present establishment. There was no man more ready than himself to give every becoming confidence to Ministers; he thought a degree of confidence necessary to the well being of the People; but a confidence for a permanent establishment was grossly absurd: he would not refuse a confidence for one year, or a limited period, but he would go no farther. When particular emergencies presented themselves, and when experiments were on the point of being made, confidence might be reposed in Ministers, during a few months; yet surely, a Mr. Fox.

reliance of this nature was not to be extended to the case of the establishment of armies, from year to year, in time of peace. An honourable gentleman (Mr. Pulteney) could not, upon reflection, consider this as a blind confidence; it was, on the contrary, such as he had described, by a former assertion, similar to those which he had made both in and out of place, and such as he did not now mean either to recant or qualify; it was that degree of confidence, without which it was impossible for the executive Government to proceed as it ought; and, as a proof that he never meant that such a confidence should not be limited by caution, the House would please to recollect, that, during a former session, when some honourable gentlemen were disposed, on the subject of the affairs of Holland, to place too unbounded a confidence in Ministers, he reprobated its extent. Mr. Fox continuing, observed, that he agreed in part with the right honourable gentleman, that it was not proper to discuss the propriety of keeping the American forts pending a negociation; the House were, notwithstanding, entitled to enquire into the state of those negociations at some time or other; and surely, upon the present occasion, it could not be improper to remark, that the cession of those posts had, indeed, been blamed by some gentlemen, though he had never considered that as any very material objection to the peace of 1783; nor did he desire to descant on the propriety of occupying or evacuating them now, not being prepared with information on the subject. What he had asserted in the Committee, and what the right honourable gentleman's (the Chancellor of the Exchequer) facts proved against his theory, was, that we had not so great a number of troops in America now as before the late war, and therefore the argument, drawn from the extent of the frontiers, for an increased establishment, fell to the ground. In confutation of the pretext for the necessity of guarding Gibraltar from surprise, it was sufficient to answer, that it had shewn itself long to be in no such danger, and that the laudable improvements which it had undergone, during the last war, rendered it less liable to be surprised; yet, if the addition to this garrison had taken place, in consequence of a recommendation from those who were the most qualified to form a judgement, he certainly should not object against relinquishing his opinion to that of men whose professional skill enabled them to decide; but of such circumstances, it was the duty of Ministers to take care that the House should have been particularly informed. In the case of the West Indies, which, unquestionably, was of the first importance, he should not hesitate to declare it as his opinion, that the present system, however it might have been brought forward by the Minister as a system of perfect defence

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in those parts, was the most absurd that had ever been adopted: it was ridiculous to talk of keeping up a sufficient force in each island to defend itself at the breaking out of a war; and before the House could come to such a vote, with any degree of propriety, they should be first acquainted with the necessary number of troops for each island. When such a statement should be delivered in, he did not believe that a single military man would declare such a number to be adequate to the purpose for which they were intended; and if so, the augmentation of the army would go still farther: if the islands were to be defended, they must be defended by a fleet; and the best military station, as he had been informed by some of the first military men in the kingdom, was at Halifax, a far healthier station than any of the islands, and from which place the troops could be more readily conveyed to the succour of any particular island, than from one island to another. The voting men to the West Indies, he considered to be voting them to their graves. No man was more ready to bow to authority than he was, but he must know to what extent the principle of defending the West Indies by a military force was to go, before he could judge of its propriety. It was upon this point that he considered himself at issue with the right honourable gentleman (Mr. Pitt) at the head of affairs; and he felt himself justified in asserting, that the natural defence of those islands rested in our navy. The situation of France was a material reason why the present establishment was not necessary; for, after her late behaviour in the Dutch dispute, it was not very likely she should wish to commence hostilities against this country. He was not mortified by the right honourable Secretary's noticing his being mistaken in his speculation, made three years since, of the power of France; a change, as sudden as unexpected, had taken place in her affairs, in which some exulted, and of which number, in one point of view, he considered himself as included, from feelings and from principle. To the insinuation which the right honourable gentleman had brought against his supposed want of political foresight, he could, without vanity, answer, that there were few mistakes, indeed, of which he should be less ashamed; because, even if a person, possessing the gift of prophecy, had appeared in any part of Europe, in Paris or in London, and foretold those extraordinary occurrences which have since arisen, every word issuing from his lips would only have been regarded as a corroboration of his insanity. In three years more, it was possible she might again have a turn in her affairs, and become more formidable than ever: it was not likely, however, that the growth of power should be so sudden, as to prevent our ability of providing against any of its inimical effects. The

difference of pulling down and building up, was very material; a State might fall from a pinnacle of power to actual inertness, but to rise to a state of grandeur, on a sudden, was impossible. The right honourable Secretary had observed, that it was good to be secure, and not to tempt an attack. Certainly. To this he would reply, that if France were at this moment insecure, and tempting an attack, it arose not from a neglect of her garrisons, or of her large establishments. This country could not bear such immense establishments; the being armed at all points, *cap-a pee*, would ultimately prove her ruin; her reliance ought to be on her revenue, and, by a saving from the establishment in the West Indies, she would strengthen herself. He believed it would be difficult for the right honourable gentleman to prove that any of the islands which were lost, could have been saved by the troops now proposed to be sent. He contended, that it was fit the House should, every year, consider the establishment according to the state of the Powers of Europe. At present, viewing those Powers, he saw no necessity for our keeping up so large an army; the defence of the East Indies, he imagined, would be more advantageously left to the native troops than to Europeans, who could not endure the climate. He observed the army to be continually increasing; that every pretence was seized to increase it, but none to diminish it; the principle upon which the right honourable gentleman went for the defence of the West Indies, would ultimately prove the present establishment to be too small; and, another year, a further increase might be expected to be proposed; the principle he went upon proved the present establishment to be too great. The House, if it voted the present establishment, without the knowledge of the number of troops meant to defend each island, must give their vote in a blind confidence.

Reverting to the subject of France, Mr. Fox described her as in a state, which could neither fill us with alarm, or excite us to indignation. Surrounded and oppressed by internal divisions and calamities, she could not so suddenly rise superior to their pressure, as to preclude us from a preparation against an impending storm. Had France remained in that formidable and triumphant state by which she was distinguished in the year 1783, he would be one of the first in the House to applaud an augmentation of our peace establishment. In all our contests with that ancient enemy, our intemperance had seduced us into very disagreeable situations; and we had been frequently obliged to accept of terms which we might have obtained several years before such an agreement. If fortune had now humbled the pride and ambition of this mighty empire—if that anarchy and confusion incidental to

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ſuch a revolution had ſtruck her people with inertneſs and inactivity—why ſhould we dread her ſudden declaration of hoſtilities? But even if ſhe were to immerge from her misfortunes as ſuddenly as ſhe was involved in them, he would recommend the argument of the right honourable gentleman (Mr. Grenville) as a conſolation—"The flouriſhing ſtate of our finances."—If, however, an attention to the Weſt Indies were advanced as a juſtification of the augmentation, he wiſhed to call to the recollection of gentlemen, that our firſt ſurpriſe did not originate laſt war in that quarter. It was a wiſe and happy preamble eſtabliſhed by our anceſtors in the mutiny bill, that it ſhould aſſign as a reaſon for a ſtanding army, the preſervation of the political balance of Europe. He lamented, that it was the nature of Kings, Miniſters, Generals, and thoſe of a ſimilar deſcription, to oppoſe the reduction of the army. If a Miniſter, the profeſſed friend of mankind, ſhould, however, ſtand forward in favour of ſuch a meaſure, "he muſt arm himſelf with points—he muſt arm himſelf with reſolutions—he muſt be emboldened to proceed in the reforms." It was a cenſurable policy to ſend Britiſh troops to the Eaſt Indies. He affirmed, that our territories in that part of the globe ſhould be defended by the natives, who, accuſtomed to the climate, were more able to endure the fatigues of war.

He regretted that the preſent Adminiſtration evinced every pretence for an augmentation of the army, without any for reduction. It was playing with the feelings of the people, to come forward every year, and juſtify augmentations in the military forces. The fortification ſyſtem was chimerical and abſurd. They could not vote fooliſhly away the money of their conſtituents; they could not vote a blind and abuſive confidence in the Miniſters. He hoped, therefore, that the Houſe would call for an ample explanation of the ſyſtem ſo warmly recommended. Nay, as an act of friendſhip to thoſe gentlemen, he urged them to appear, on ſuch an important occaſion, in a free and manly manner, fearleſs of any conſequence, and conſulting no dictates, except thoſe of an inflexible integrity.

Mr. Chancellor *Pitt* riſing next, remarked, that whilſt juſtice and candor induced him to admit that thoſe honourable gentlemen, who watched, with jealous eyes, over the augmentations in the army eſtabliſhments, were ſwayed by motives extremely laudable in their nature, he muſt avow, not merely for himſelf, but in the name of his right honourable friend, that they had no reaſon to conſider themſelves as perſonally obliged to ſuch as imagined that they ſtrengthened the hands of Adminiſtration, when they objected againſt an increaſe of the army. Any Miniſter would deſerve to be regarded

Mr. Pitt.

regarded as having shamefully violated his duty to the State, were he to discover an inclination to increase establishments on any other ground than the truth and propriety of the measure, and the principle of providing as the public safety might require. From a retrospection of the different events which had taken place, during the course of some preceding years, we might learn the salutary lesson of continuing prepared to resist the approach of external dangers; and he flattered himself, that, in future, neither a fancied security, nor a misguided and narrow economy, would incline us so to lower our military establishments, that foreign enemies might avail themselves of our weakness, and make us the victims of an immediate and formidable attack. With these sentiments, he did not hesitate, at the same time, to confess, that it was but too natural for power to covet the maintenance of large military establishments; and that, therefore, such a predilection ought to be watched with unremitted jealousy. Between the passion of Ministers to preserve them, and the eager attempts, whether real or affected, of the Opposition for their decrease, perhaps that happy medium might be stricken out, which would the most effectually support the power and beneficial consequence of the country. As a right honourable gentleman (Mr. Fox) had chosen to remark that his right honourable friend (Mr. Grenville) had confined himself to general points, he, for his own part, was ready to admit, as a general principle, that it was bad economy to tempt an attack, from a state of weakness, and thus, by a miserable saving, ultimately incur the hazard of a great expence. It was by opposing the principle of economy on the one hand, to wise policy, in timely preparations on the other, that they would come at the fair argument. He never wished for unlimited confidence; but unless Ministers were to enjoy some degree of confidence, all responsibility must be entirely done away. With respect to the point of putting Gibraltar in a strong posture of defence, he could affirm, that, upon this occasion, no step had been taken but with the advice of that great and gallant veteran Lord Heathfield, the engineer who served under him, and many other distinguished military men. He considered it to be the duty of Ministers to be particularly careful in the safety of that fortress, which the events of the last war, and the last peace, had proved to be invaluable. Spain and France had always looked upon it as one of our most enviable acquisitions; and therefore, any Minister would prove particularly reprehensible, who did not take care to have it guarded as impregnably as possible against surprise. Concerning the state of the West Indies, His Majesty's servants had endeavoured to obtain the best military information, and he had

had no objection to having laid before the House every account to which the right honourable gentleman (Mr. Fox) had alluded, or any other paper which the House might require on the subject. The Chancellor of the Exchequer contradicted the doctrine laid down, that the islands would be safe if we had a superior fleet in those seas: their reliance on such a fleet had been, in the last war, proved false in reason and in fact; the fate of more than one island, when our fleet was superior, evinced the necessity of a land force, to hold out till relief could be brought; and, after all, the whole expence for the additional strength proposed for the islands, did not, annually exceed forty or fifty thousand pounds. The right honourable gentleman (Mr. Fox) who had, in so marked a language, described the West Indies as the grave of our soldiers, would, probably, have somewhat moderated his opinion and his expression, could he have recollected that the mortality in that quarter arose from the influx of raw and inexperienced troops; and that even this circumstance justified the erection of strong places in the island for the purpose of inuring our soldiers to the climate. Adverting to Mr. Fox's speculation of the power of France three years ago, the Chancellor of the Exchequer drew a conclusion that it would not be proper for Ministers, who felt not quite so confident on the present circumstances, as that right honourable gentleman had on former, to neglect, for momentary reasons, the safety of their country, with no better excuse, when mischief should ensue, than the being able to say, "Who would have thought it?" The present convulsions of France must, sooner or later, terminate in general harmony and regular order; and notwithstanding that the fortunate arrangements of such a situation might make her more formidable, it might also render her less obnoxious as a neighbour. He hoped that he might rather wish, as an Englishman, for that, respecting the accomplishment of which he felt himself interested as a man, for the restoration of the tranquillity of France, though it appeared to him as distant. Whensoever the situation of France should become restored, it would prove freedom rightly understood; freedom resulting from good order and good government; and thus circumstanced, France would stand forward as one of the most brilliant powers in Europe: she would enjoy that just kind of liberty which he venerated, and the invaluable existence of which it was his duty, as an Englishman, peculiarly to cherish; nor could he, under this predicament, regard, with envious eyes, an approximation in neighbouring States of those sentiments which were the characteristic features of every British subject. Easier, he would admit with the right honourable gentleman, was it to destroy than rebuild; and there-

therefore, he trusted that this universally-acknowledged position would convince gentlemen that they ought, on the present question, not to relax their exertions for the strength of the country, but endeavour to regain our former pinnacle of glory, and to improve, for our security, happiness, and aggrandisement, those precious moments of peace and leisure which were before us.

Mr. Burke Mr. *Burke* observed *, that as he reprobated, from his heart, the unconstitutional doctrine which had been avowed that

* *Fearful of deviating from that impartiality with which we have always endeavoured to conduct the Parliamentary Register, we have, in stating a Debate of such material importance to the Public, not only inserted our own preceding report of Mr. Burke's Speech, but the following substance; for which we are indebted to a correspondent.*

Mr. Burke, in answer to the arguments which had been insisted upon by Mr. Grenville and Mr. Pitt, for keeping an increased peace establishment, and against an improper jealousy of the Ministers, in whom a full confidence, subject to responsibility, ought to be placed, on account of their knowledge of the real situation of affairs; the exact state of which, it frequently happened, that they could not disclose, without violating the constitutional and political secrecy, necessary to the well being of their country, said, That confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in an House of Commons, of all public vices, the most tolerable; especially where the number and the charge of standing armies, in time of peace, was the question.

That in the annual mutiny bill, the annual army was declaredly to be for the purpose of preserving the balance of power in Europe. The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace establishments demanded of Parliament agreed with the manifest appearance of the balance, confidence in Ministers, as to the particulars, would be very proper. If the increase was not at all supported by any such appearance, he thought great jealousy might, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained; nor that any other foreign powers than our own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object, in all considerations, concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France was, at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she ever could appear in it again, as a leading power, was not easy to determine: but at present he considered France as not politically existing; and most assuredly, it would take up much time to restore her to her former active existence.—*Gallos quoque in bellis floruisse audivimus*, might possibly be

that day, that it was right to continue ſyſtematically augmenting the eſtabliſhment of the army, in a time of profound peace, ſo was he determined, that no conſideration upon earth ſhould induce him to meet it with his ſupport.

If

be the language of the riſing generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the ſymptoms of her recovery.

That it was to her *ſtrength*, not to her *form of Government*, which we were to attend; becauſe Republics, as well as Monarchies, were ſuſceptible of ambition, jealouſy, and anger, the uſual cauſes of war. But if, while France continued in this ſwoon, we ſhould go on increaſing our expences, we ſhould certainly make ourſelves leſs a match for her, when it became our concern to arm.

It was ſaid, that as ſhe had ſpeedily fallen, ſhe might ſpeedily riſe again. He doubted this. That the fall from an height was with an accelerated velocity; but to lift a weight up to that height again was difficult, and oppoſed by the laws of phyſical and political gravitation.

In a political view, France was low indeed. She had loſt every thing, even to her name.

> " Jacet ingens littere truncus,
> " Avolſumque humeris *caput*, et ſine *nomine* corpus *."

He was aſtoniſhed at it—he was alarmed at it—he trembled at the uncertainty of all human greatneſs.

Since the Houſe had been prorogued in the ſummer, much work was done in France. The French had ſhewn themſelves the ableſt architects of ruin that had hitherto exiſted in the world. In that very ſhort ſpace of time, they had completely pulled down to the ground their monarchy, their church, their nobility, their law, their revenue, their army, their navy, their commerce, their arts, and their manufactures. They had done their buſineſs for us as rivals, in a way which twenty Ramilies or Blenheims could never have done it. Were we abſolute conquerors, and France to lie proſtrate at our feet, we ſhould be aſhamed to ſend a commiſſion to ſettle their affairs, which could impoſe ſo hard a law upon the French, and ſo deſtructive of all their conſequence, as a nation, as that they had impoſed upon themſelves.

France, by the mere circumſtance of its vicinity, had been, and in a degree always muſt be, an object of our vigilance, either with regard to her actual power, or to her influence and example. As to the former, he had ſpoken; as to the latter, (her example) he ſhould ſay a

* Mr Burke, probably, had in his mind the remainder of the paſſage, and was filled with ſome congenial apprehenſions:

> " Hæc finis Priami fatorum; hic exitus illum
> " Sorte tulit. Trojam incenſam, & prolapſa videntem
> " Pergama; tot quondam populis, terriſque, ſuperbum
> " Regnatorem Aſiæ. Jacet ingens littore truncus,
> " Avolſumque humeris caput, & ſine nomine corpus,
> " At me tum primum ſævus circumſtetit horror;
> " Obſtupui: ſubiit chari genitoris imago"——

If such a system were to prevail, he should say that the policy of Great Britain never was more senseless and absurd. It would draw upon the State the baneful effect of rendering useless the opinion of either any individual Member of that House,

few words: for by this example, our friendship and our intercourse with that nation had once been, and might again become, more dangerous to us than their worst hostility.

In the last century, Louis the Fourteenth had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendor, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in Government, nothing better than a painted and gilded tyranny; in religion, an hard, stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its Government. The same character of despotism insinuated itself into every court of Europe—the same spirit of disproportioned magnificence—the same love of standing armies, above the ability of the people. In particular, our then Sovereigns, King Charles and King James, fell in love with the government of their neighbour, so flattering to the pride of Kings. A similarity of sentiments brought on connections equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the Throne. The admiration of a Government, flourishing and successful, unchecked in its operations, and seeming, therefore, to compass its objects more speedily and effectually, gained something upon all ranks of people. The good patriots of that day, however, struggled against it. They sought nothing more anxiously than to break off all communication with France, and to beget a total alienation from its councils and its example; which, by the animosity prevalent between the abettors of their religious system and the assertors of ours, was, in some degree, effected.

This day the evil is totally changed in France: but there is an evil there. The disease is altered; but the vicinity of the two countries remains, and must remain; and the natural mental habits of mankind are such, that the present distemper of France is far more likely to be contagious than the old one; for it is not quite easy to spread a passion for servitude among the people: but in all evils of the opposite kind, our natural inclinations are flattered. In the case of despotism, there is the *fœdum crimen servitutis*; in the last the *falsa species libertatis*; and accordingly, as the historian says, *pronis auribus accipitur*.

In the last age, we were in danger of being entangled by the example of France in the net of a relentless despotism. It is not necessary to say any thing upon that example; it exists no longer. Our present danger from the example of a people, whose character knows no medium, is, with regard to Government, a danger from anarchy; a danger of being led through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering, ferocious, bloody, and tyrannical democracy. On the side of religion, the danger of their example is no longer from intolerance, but from Atheism; a foul, unnatural vice, foe to all the dignity and consolation of mankind; which seems in France,

House, or of all the Members collectively; because it was a system of increase to our military establishments, just as the whim, caprice, doubt, or chimera of a Minister might suggest the possibility of future danger. The Chancellor of the Exche-

France, for a long time, to have been embodied into a faction, accredited, and almost avowed.

These are our present dangers from France; but, in his opinion, the very worst part of the example set, is in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement, of their military.

He was sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, liberty. That it was with a pain inexpressible he was obliged to have even the shadow of a difference with his friend, whose authority would be always great with him, and with all thinking people.—*Quæ maxima semper censetur nobis, et erit quæ maxima semper.*—His confidence in Mr. Fox was such, and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellects. That he who calls in the aid of an equal understanding, doubles his own. He who profits of a superior understanding, raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew, that to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme; of a temper mild and placable, even to a fault; without one drop of gall in his whole constitution.

That the House must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the means of introducing a democracy like theirs, as well as to the end itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far, very far, from believing they could) he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn States, but perfectly unfit to amend them.

That he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that House

Exchequer, and his right honourable colleague (Mr. Grenville) had both avowed, that the re-eſtabliſhment of the army bore no reference to the ſtate of Europe; then, if it was to have none with regard to the ſituation of our circumſtances, to

to that hour, was a buſineſs of reformation; and when he had not been employed in correcting, he had been employed in reſiſting abuſes. Some traces of this ſpirit in him now ſtand on their ſtatute book. In his opinion, any thing which unneceſſarily tore to pieces the contexture of the State, not only prevented all real reformation, but introduced evils which would call, but perhaps, call in vain, for new reformation.

That he thought the French nation very unwiſe. What they valued themſelves on, was a diſgrace to them. They had gloried (and ſome people in England had thought fit to take ſhare in that glory) in making a revolution; as if revolutions were good things in themſelves. All the horrors, and all the crimes of the anarchy which led to their revolution, which attend its progreſs, and which may virtually attend it in its eſtabliſhment, paſs for nothing with the lovers of revolutions. The French have made their way, through the deſtruction of their country, to a bad conſtitution, when they were abſolutely in poſſeſſion of a good one. They were in poſſeſſion of it the day the States met in ſeparate orders. Their buſineſs, had they been either virtuous, or wiſe, or had been left to their own judgement, was to ſecure the ſtability and independence of the States, according to thoſe orders, under the Monarch on the Throne. It was then their duty to redreſs grievances.

Inſtead of redreſſing grievances, and improving the fabric of their State, to which they were called by their Monarch, and ſent by their country, they were made to take a very different courſe. They firſt deſtroyed all the balances and counterpoiſes which ſerve to fix the ſtate, and to give it a ſteady direction; and which furniſh ſure correctives to any violent ſpirit which may prevail in any of the orders. Theſe balances exiſted in their oldeſt conſtitution, and in the conſtitution of this country, and in the conſtitution of all the countries in Europe. Theſe they raſhly deſtroyed, and then they melted down the whole into one incongruous, ill-connected maſs.

When they had done this, they inſtantly, with the moſt atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and conſequently of all national proſperity, by the principles they eſtabliſhed, and the example they ſet, in confiſcating all the poſſeſſions of the church. They made and recorded a ſort of inſtitute and digeſt of anarchy, called the rights of man, in ſuch a pedantic abuſe of elementary principles as would have diſgraced boys at ſchool; but this declaration of rights was worſe than trifling and pedantic in them; as by their name and authority, they ſyſtematically deſtroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration, they ſubverted the State, and brought on ſuch calamities as no country, without a long war, has ever been known to ſuffer, and which may in the end produce ſuch a war, and, perhaps, many ſuch.

With them the queſtion was not between deſpotiſm and liberty. The ſacrifice they made of the peace and power of their country, was not made

what was it to refer? The two right honourable gentlemen had rested the whole of their arguments on the general principle that it was politic to guard against surprise; and they had maintained that the safety of our West-India possessions depended

made on the altar of Freedom. Freedom, and a better security for it than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities, to prevent themselves from settling into that constitution, or into any thing resembling it.

That if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they will establish a very bad Government—a very bad species of tyranny.

That the worst effect of all their proceeding was on their military, which was rendered an army for every purpose but that of defence. That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though, as it is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where the abstract principle was cloathed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens, but base hireling mutineers, and mercenary sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit, from the evils of which a democracy itself was to be resorted to by those who were the least disposed to that form, as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the House to consider, how the Members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title deeds brought out and burnt before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this: that without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop was "*a l'Aristocrate*,"

depended on there being a force in each adequate to that object. Supposing this principle to be well founded, how did that House know its extent, or, as the good sense of his right honourable friend had suggested, how were they sure that

ristocrate," by which senseless, bloody cry, they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and to their power disgracing almost every name, by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution. An armed, disciplined body, is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are, in the latter case, neither good citizens, nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettyfoggers, and mutineers, than soldiers *. They have set up, to balance their Crown army, another army, deriving under another authority, called a municipal army—a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot exist under a divided command. This state of things he thought, in effect, a state of war, or, at best, but a truce instead of peace, in the country.

What a dreadful thing is a standing army, for the conduct of the whole, or any part of which, no man is responsible! In the present state of the French Crown army, is the Crown responsible for the whole of it? Is there any General who can be responsible for the obedience of a brigade? Any Colonel for that of a regiment? Any Captain for that of a company? And as to the municipal army, reinforced as it is by the new citizen-deserters, under whose command are they? Have we not seen them, not led by, but dragging their nominal Commander with a rope about his neck, when they, or those whom they accompanied, proceeded to the most atrocious acts of treason and murder? Are any of these armies? Are any of these citizens?

We have in such a difficulty as that of fitting a standing army to the State, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority, with a simple (our common) oath of fidelity; and we keep the whole under our annual inspection. This was doing all that could be safely done.

He felt some concern that this strange thing, called a Revolution in France, should be compared with the glorious event, commonly called the Revolution in England; and the conduct of the soldiery, on that occasion, compared with the behaviour of some of the troops of France in the present instance. At that period, the Prince of Orange, a prince of the Blood Royal in England, was called in by the flower of the English aristocracy to defend its ancient constitution, and not to level all

* They are sworn to obey the King, the nation, and the law.

that the force now voted for the West-India islands, was sufficient to guard against their being attacked by surprise? Upon what grounds was the principle laid down, and upon what authority was its application in this instance supposed to

all distinctions. To this Prince, so invited, the aristocratic leaders who commanded the troops, went over with their several corps, in bodies, to the deliverer of their country. Aristocratic leaders brought up the corps of citizens who newly enlisted in this cause. Military obedience changed its object; but military discipline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our Revolution (as it is called) and that of France, are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal Monarch attempting arbitrary power—in France, it is the case of an arbitrary Monarch, beginning, from whatever cause, to legalise his authority. The one was to be resisted, the other was to be managed and directed; but in neither case, was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalised. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man What we did was in truth and substance, and in a constitutional light, a Revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy: perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same Lords, the same Commons, the same corporations, the same electors.

The church was not impaired. Her estates, her majesty, her splendor, her orders and gradations continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The church and the state were the same after the Revolution that they were before, but better secured in every part.

Was little done, because a revolution was not made in the constitution? No! Every thing was done; because we commenced with reparation, not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed, as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An æra of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country were awakened. England never presented a firmer

to be adequate to its object? Had the opinion of any great military officer been taken, and if it had, where was that opinion to be found? The country abounded with such characters; nor was that House destitute of numbers of them amongst its Members. Not one of these had as yet delivered their sentiments upon the point; but he hoped that the honourable General (Sir George Howard) in the red ribband, whom he saw in his place, would please to declare, whether the force stated in the estimates for the West-India islands was sufficient to prevent their being surprised. He would submit to authority. *Cuique sua arte credendum est.* But the whole question resolved itself into a question of confidence, and the right honourable gentleman over the way had argued to prove that it was constitutional for that House to repose a certain degree of confidence at all times in a Minister respecting the army. He was as ready as any man to allow, that there were times in which a Minister must have a certain share of confidence reposed in him respecting the army; but was the present a fit moment for the Minister to claim confidence without limits, or for the House to grant it in that respect? If he saw France with a flowing treasury, and well

firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe under her respired and revived. Every where she appeared as the protector, assertor, or avenger of liberty. A war was made and supported against fortune itself. The treaty of Ryswick, which first limited the power of France, was soon after made: the grand alliance very shortly followed, which shook to the foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great, without endangering its own peace at home, or the internal or external peace of any of its neighbours.

Mr. Burke said he should have felt very unpleasantly if he had not delivered these sentiments. He was near the end of his natural, probably still nearer to the end of his political career; that he was weak and weary; and wished for rest. That he was little disposed to controversies, or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous to attempt any thing by mere struggle. *Turpe senex Miles.* That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail for some years past. That he had, however, his task. He was far from condemning such opposition; on the contrary, he most highly applauded it, where a just occasion existed for it, and gentlemen had vigour and capacity to pursue it. Where a great occasion occurred, he was, and while he continued in Parliament would be, amongst the most active and the most earnest, as he hoped he had shewn on a late event. With respect to the constitution itself, he wished few alterations in it; happy if he left it not the worse for any share he had taken in its service.

difciplined army, he would give confidence to the Minifter, if he afked for an augmentation of the army; but they all knew that there exifted no fuch grounds for confidence. The prefent Parliament, he was concerned to find, was a Parliament of confidence; and they had certainly too well fulfilled the object of their election. The Minifter had long enjoyed their confidence, and he came now and afked for a renewal of a feven-years leafe of confidence at their hands. The arguments which he had heard from the other fide of the Houfe might, with greater reafon, have been expected from perfons raw from fchools and colleges, than from fuch experienced politicians; for, furely they had been long enough in office to have acquired experience. The argument of confidence was mere common place, and the neceffary jealoufy of Parliament, whenever the army was under confideration, might be fet up againft it, as an oppofing common place. But he would not then enter into a chapter of common places. He wifhed to fee how the Minifter acted up to his common place. By what power did he imagine that the Weft Indies were likely to be furprifed? By France? He well knew that there was no danger. From whom did he expect an attack? Was it from our good allies, Pruffia and Holland? Was it from Sweden? from Denmark? from Ruffia? from the innocent Swifs? or was it from Poland; for Poland poffeffed an army? Or did Adminiftration dread that old bugbear, whom they had been taught to fear when children, the Pope? Did they imagine that he was likely to invade the Weft Indies, by fending out his warlike myrmidons from Civita Vecchia? In fact, their childifh fears reminded him of the fable of the hare and the frogs. A hare approached fome water, and heard a fudden noife, which alarmed it; on inquiry, it was told that the noife was occafioned by fome frogs who were frightened at its approach, and who had plunged into the water to avoid it. Was it that long-eared animal, the Spaniard, whom we dreaded? The Spaniard was too indolent and too fupine to meditate fuch an attempt, and had always feared us much more than we generally imagined. Spain, if unaffifted by any confederate power, would never dare to commence hoftilities againft us, efpecially in the Weft Indies; fhe had too much at ftake of her own, and was by no means as capable of defending it, as we were capable, at prefent, of invading it. In fact, Mr. Burke faid, he had almoft travelled over the whole geography of Europe, and could not find a fingle power from whom there was the leaft reafonable ground of apprehending furprife in our Weft India iflands. In looking over the map of Europe, he faw, indeed, a great gap, a vaft blank, no longer of importance, and that was the fpace hitherto occupied by

France; the only power, when France had power, to which this country ought to look, or which she would do right to regard with jealousy. France was now a non-entity:

Jacet ingens littore truncus:

and her return to vigour and the power of attack, they all knew, could not be sudden, but must be gradual; and therefore, our preparations for defence ought to be proportionably gradual.' But, the right honourable gentleman had remarked, that it was easy to destroy, and difficult to rebuild.— Would not the position apply to France at present? He thought it highly indiscreet to advert at all to the internal situation of France in that House, but it had been adverted to already, and sooner or later the day for discussion of what had passed in France would come; he would, therefore, take that opportunity of observing, that France could not easily rebuild what had been suddenly destroyed. This naturally brought him to what had, he owned, been the principal cause for which he came down that day, and which had occasioned him to rise more than any point which had fallen in the course of the debate; this induced him to deliver his sentiments concerning what had passed, when he was not in the House, on the subject of the late transactions in France. In a former debate, a compliment had been paid to the French army, and a noble Viscount (Fielding) had compared what passed in France to what was termed our Revolution in 1688. He denied that the comparison was just, or the compliment deserved. This country did not owe its constitution to what was called the Revolution. We had in fact no revolution, nor did we obtain a new constitution. The man who held the government, and was at the head of the executive power, was abandoned by the country, because he wished to change the constitution, but the constitution remained; the laws were the same, the rights of the subject the same, and the religion the same. The church, as by law established, received fresh lustre, indeed, from the liberality which adorned it from the period of 1688, in consequence of the toleration introduced, and our old constitution was fixed and confirmed. Was any occurrence in France to be put into comparison with this? Since he last had the honour of addressing that House, as it were, all at once, the army of France, the laws, the religion, the manners, the order of subordination, and the constitution itself, had been destroyed. Excellent architects! they had, in two or three months, destroyed all; and as it was the property of gravitation quickly to descend, so it was well known, that to procure an ascent was a work of slow and laborious progress. In France, a cruel, blind, and ferocious democracy had carried all before them; their con-

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duct, marked with the most savage and unfeeling barbarity, had manifested no other system than a determination to destroy all order, subvert all arrangement, and reduce every rank and description of men to one common level; impatient of control, and not willing to wait for a better constitution, they had annihilated the old form of government, and substituted anarchy and confusion in its stead. The established government had been overturned by a lawless and sanguinary mob; and surely, of every species of despotism, a democratic despotism was the most abominable. They had an army which acknowledged no head; their signal of attack was like the war-whoop: their liberty was licentiousness, and their religion atheism. If he looked to the army, he saw an army without a General; the officers led about with halters round their necks, and the whole devoid of discipline, and even daring to overawe those who were deliberating on the most important internal concerns of the country. To such an height had this cruel, blind, and ferocious democracy pushed their abuse of power, and such had been the conduct of those who formed the standing army of the kingdom, that they joined the licentious rabble, and put into their hands the sword entrusted to them by the Government under the old constitution. Thus armed, and acknowledging no regular superior, they had committed every sort of excess, marked their footsteps with blood, singled out every man of rank, and every man born a gentleman, for vengeance; seized on and committed his title deeds to the flames, and perhaps destroyed his house and all his property, till they had excited such terror, that the great Assembly of the Nation dared not venture to discuss their conduct, but were reduced to the mortifying humiliation of sending an apology for having ever so slightly alluded to it; and the only expedient to which they could resort, was to form another army under the name of the municipal corps to watch the national army; and thus, the nation had two armies to pay without being able to depend on either. It was *Caput nil timendum, et corpus inutile.* Mr. Burke declared, that he condemned, as much as it was possible for any man to inveigh against their splendid despotism, and courtly tyranny, such as prevailed under Lewis the Fourteenth; but he confessed that he would much rather have seen the continuance of the late government of France, than have witnessed so horrible a sacrifice to humanity. If he cast his eyes towards the Church, the prospect was equally uncomfortable. Instead of a reform, with a view to tolerance, they had done away every pretence to religion, and every part of religious form, and set up a direct and dangerous system of infidelity; *aristocrate* was the watch-word of which they made use; and, exclaiming *aristocrate*, they

bore down all before them; in ſhort, their whole object ſeemed to be to deſtroy all order, to level all diſtinction; to ſeparate obedience and protection, to put an end to ſubordination, to make the ſoldier diſclaim his officer, the child his parent, and the ſubject his ſovereign. Who, that attended to theſe ſhocking occurrences, could ſeriouſly imagine that there was not leſs danger to be apprehended from France, as an enemy, than as a friend? Having inſiſted upon the deplorable ſlavery and oppreſſion which prevailed, during a long period in France, and upon the probable effects which, what he termed, the late dangerouſly-levelling principles might have upon our own conſtitution, where the Houſe of Commons itſelf was a ſpecies of ariſtocracy, remarked, that he moſt ſincerely hoped to Heaven that no idea of drawing an inference of what had lately paſſed in France, would ſo far obtain with us, as to make any man, or ſet of men, in this country, think any part of the late tranſactions in France a fit object for our imitation. He ſaw, with rapture, the different effects of our moſt excellent conſtitution in every point of view in which it could be conſidered, but in none more than its army. With us, the army was under a ſingle Commander in Chief, the Monarch on the throne, in whoſe hands it was entruſted, as the head of the executive Government; its exiſtence, however, depended altogether on the votes of that Houſe, and the will of Parliament. In this country, therefore, while Parliament did its duty, it was ſcarcely poſſible for the true purpoſe of maintaining a regular force to be perverted; or for that military, which was intended for the defence of the kingdom from exterior attack, to be changed into the internal inſtrument of the oppreſſion of the ſubject, the violation of the laws, or the deſtruction of the conſtitution. He had dwelt the more on what paſſed in France, becauſe he had paid more particular attention to the journals of the National Aſſembly, and to the whole of the tranſactions which had taken place in that country, than many others, who, probably, were leſs at leiſure than himſelf to enter upon inveſtigations of ſuch a nature; and from the impreſſion of the whole, he dreaded our being induced, by the advice of any man, however deſervedly great his authority, to ſelect any part of what had happened in France for our imitation. He reminded the Houſe of the oppoſite effects of the extreme of tyranny, and the extreme of licentiouſneſs exemplified during the years of peace in the reign of Louis the Fourteenth and in the preſent times. In the reign of Louis XIV. the moſt complete deſpotiſm was exerciſed in France, and gloſſed over by the poliſh of the fine arts, and a plauſible ſhew of cultivated manners. We then made France the object of our imitation, and copied her refinements.

ments. Thence, our Government became despotic insensibly, and the people groaned under the oppression of courtly tyranny, wearing a brilliant exterior. We had seen France in both extremes, and knew the effects to be equally dreadful. Let the House take warning, therefore, by the example, and not imitate France at present. There were some men too vain to acknowledge they at any time followed the advice of others, who thought that they stood degraded if they ever gave up their own opinion. He professed himself not to be of the number; he always felt himself the taller for the increased size of his understanding, attained from the addition of the superior height of other men's abilities; and with this view he had ever looked up to the opinion of his right honourable friend (Mr. Fox.) He hoped, therefore, that what his right honourable friend had said that day, of his observing what had passed in France with exultation, as well as what had fallen from him during a former debate relative to the lesson holden out by the army in France, which might induce Englishmen to look with less jealousy at armies than formerly, was not to be considered as a symptom that his right honourable friend was willing to countenance any cabal, with a view to introduce a dangerous innovation in any part of our constitution. There were men in this kingdom, it was well known, who favoured the wild theories of the times, and who, misled by visionary speculations, were ready to profane what should ever be considered, and what, he trusted in Heaven, ever would remain, sacred—the constitution of the country. He was confident that his right honourable friend, from no motives whatever, would be induced to lend the aid of his abilities to such a purpose; and painful as it at all times was, and ever would be, for him to differ from his right honourable friend in any point, if the dearest friends on earth were to act a part so irreconcileable with what he regarded as the first, most indispensable, and never to be forgotton principle of duty with every Member of Parliament, a religious adherence to the constitution, he pledged himself to oppose them. He trusted that, upon the present occasion, the House would prove too just and candid to misconstrue such a declaration into the suspicion of any change in his principles, or any desertion of those with whom he long had the honour to act. He was persuaded that the good sense, the virtue, and the prudence of his right honourable friend, would always prevent him from ever degrading the dignity of his own character so much. The moderation which was so shining a part of his character was a security against it. He declared that he scarcely knew how, without incurring the imputation of flattery, to say all that he thought of his right honourable friend in his presence;

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but as no man had more of the milk of human kindness about him, and as his good disposition, which made him the last man to abuse power, and the first to oppose its abuse in others, pointed him out as the fittest to possess it; he was, therefore, the man to whom, in his old age, he should leave as a legacy, the hope of being the person in whom the government of the country would one day be invested. After a variety of affectionate and endearing expressions towards Mr. Fox, Mr. Burke, in conclusion, remarked, that he had that day spoken boldly; and if he were asked what made him so bold? he should give the same answer which Solon was said to have returned to some prince or politician, who questioned him in like manner: "That his age made him bold." He had not, he believed, very long to trouble the House; and he owned that he was most earnestly anxious to leave behind him the same constitution, the same maxims, the same laws, and the same rights, which he had so long admired; if they were to be altered, their force weakened, and the essentials of the constitution changed, he should think it greatly for the best, were the duration of the time in which he might indulge the hope of staying amongst them, to be drawn almost immediately to a conclusion; and yet he could scarcely avoid persuading himself, that there was little, if any, reason existing for a dread that such detrimental changes, and such impairing circumstances might intervene; but he considered himself as irresistibly bound to state his sentiments, lest his compatriot and his fellow citizens should imagine that he did not start back from the bare idea of such a design, with marked and inextinguishable abhorrence.

Mr. Fox. Mr. *Fox* declared, that he rose with a concern of mind, which it was almost impossible to describe, at perceiving himself driven to the hard necessity of making at least a short answer to the latter part of a speech, to which he had listened with the greatest attention, and which, some observations and arguments excepted, he admired as one of the wisest and most brilliant flights of oratory ever delivered in that House. There were parts of it, however, which he wished had either been omitted, or deferred to some other and more fit occasion. His right honourable friend, in alluding to him, had mixed his remarks with so much personal kindness towards him, that he felt himself under a difficulty in making any return, lest the House should doubt his sincerity, and consider what he might say as a mere discharge of a debt of compliments. He must, however, declare, that such was his sense of the judgement of his right honourable friend, such his knowledge of his principles, and such the value which he set upon them, and the estimation in which he held his friendship, that if he were to put all the political

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information which he had learnt from books, all which he had gained from ſcience, and all which any knowledge of the world and its affairs had taught him, into one great ſcale, and the improvement which he had derived from his right honourable friend's inſtruction and converſation, were placed in the other, he ſhould be at a loſs to decide to which to give the preference. He had learnt more from his right honourable friend, than from all the men with whom he had ever converſed. His right honourable friend had grounded all which he had ſaid, on that part of a ſpeech made by him on a former day, when he wiſhed that his right honourable friend had been preſent, in which he had ſtated, that if ever he could look at a ſtanding army with leſs conſtitutional jealouſy than before, it was now, ſince, during the late tranſactions in France, the army had manifeſted, that *on becoming ſoldiers, they did not ceaſe to continue citizens*, and would not act as the mere inſtruments of a deſpot. That opinion he ſtill maintained; but did ſuch a declaration warrant the idea, that he was a friend to democracy? He declared himſelf equally the enemy of all abſolute forms of government, whether an abſolute monarchy, an abſolute ariſtocracy, or an abſolute democracy. He was averſe from all extremes, and a friend only to a mixed government, like our own, in which, if the ariſtocracy, or indeed either of the three branches of the conſtitution, were deſtroyed, the good effect of the whole, and the happineſs derived under it, would, in his mind, be at an end. When he deſcribed himſelf as exulting over the ſucceſs of ſome of the late attempts in France, he certainly meant to pay a juſt tribute of applauſe to thoſe who, feelingly alive to a ſenſe of the oppreſſions under which their countrymen had groaned, diſobeyed the deſpotic commands of their leaders, and gallantly eſpouſed the cauſe of their fellow citizens, in a ſtruggle for the acquiſition of that liberty, the felicities of which we all enjoyed. He begged, however, not to be miſunderſtood in his ideas of liberty. True liberty could only exiſt amidſt the union and co-operation of the different powers which compoſed the legiſlative and the executive Government. Never ſhould he lend himſelf to ſupport any cabal or ſcheme, formed in order to introduce any dangerous innovation into our excellent conſtitution; he would not, however, run the length of declaring, that he was an enemy to every ſpecies of innovation. That conſtitution, which we all revered, owed its perfection to innovation; for, however admirable the theory, experience was the true teſt of its order and beauty. His right honourable friend might reſt aſſured, that they could never differ in principles, however they might differ in their application. In the application of their principles, they more than

than once had experienced the misfortune of differing, particularly in regard to the representation of the People in Parliament, and they might occasionally continue to differ in regard to other points, which depended rather on the application of their principles, than on their principles themselves. The scenes of bloodshed and cruelty which had been acted in France, no man could have heard of without lamenting; but still when the severe tyranny under which the people had so long groaned, was considered, the excesses which they committed, in their endeavour to shake off the yoke of despotism, might, he thought, be spoken of with some degree of compassion; and he was persuaded that, unsettled as their present state appeared, it was preferable to their former condition, and that ultimately it would be for the advantage of this country that France had regained her freedom. What had given him the greatest uneasiness, in hearing the latter part of his right honourable friend's speech, was, lest from its being well known that he had long considered it as the boast and happiness of his life to have lived on terms of the most perfect confidence and intimacy with his right honourable friend, an impression might be left on the minds of that House, or on the minds of the Public, that there had existed some grounds for suspicion that he could so far forget himself, upon the score either of principles or of duty, as at any moment to countenance, or rather not vehemently to reprobate all doctrines and all measures inimical to the constitution. Again, therefore, must he repeat, under the most solemn assurances, to his right honourable friend, that he never would lend himself to any cabal, nor, on any occasion, act in a manner incompatible with the principles which he had so repeatedly professed, and which he held in common with his right honourable friend. He differed, however, from his right honourable friend, in his opinion of the Revolution in 1688. From that period we had, undoubtedly, to date the definition and confirmation of our liberties; and the case was certainly more parallel to the revolution in France, than his right honourable friend seemed willing to allow. The reason why France had been so long settling her constitution, and why we had so soon adjusted ours in 1688, was owing to there being so much despotism to destroy in France, and so little which called for destruction when the revolution in our Government took place; a fact which of itself was sufficient to convince his right honourable friend that there was no ground whatever for the apprehensions which he had that day stated. He imputed this warmth of his right honourable friend, and the extent to which he had pushed this argument, to a laudable, but extreme, anxiety, lest any man should be rash enough to hazard an attempt to ren-

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der what had paſſed in France an object of imitation in this country. In concluſion, Mr. Fox obſerved, that he ſhould embrace a future opportunity of entering more amply into a diſcuſſion reſpecting the affairs of France, as far as they may ultimately operate either in favour of, or againſt this country, ſhould the Houſe conſider it neceſſary to fix upon ſuch a topic for their inveſtigation.

Mr. *Burke* anſwered, that he could, without the leaſt flattery or exaggeration, aſſure his right honourable friend, that the ſeparation of a limb from his body could ſcarcely give him more pain, than the circumſtance of differing from him, violently and publicly, in opinion. It was not even in his idea to inſinuate that his right honourable friend would lend his aid to any plan concerted for the ſupport of dangerous and unconſtitutional procedures. He knew the contrary. His motive for the remarks which he had made, was to warn thoſe who did not poſſeſs the brilliant talents and illumined penetration of his right honourable friend, whoſe moderation was one of the leading features of his political characters, from entertaining ſentiments which he conceived to be adverſe to good government. He was exceedingly glad, however, that he had delivered himſelf ſo plainly in his former ſpeech, ſince what he had ſaid had drawn from his right honourable friend an explanation not more ſatisfactory to his mind, than he was perſuaded it was to the Houſe, and all who had heard it. With regard to innovation, he was the laſt man living who was an enemy to reform. Indeed, he muſt be regarded as a fool, if he, who had himſelf been a known propoſer of reforms of various deſcriptions, ſhould now ſtand up as an enemy of every reform. All which he was anxious to protect and preſerve, were the grounds of the conſtitution itſelf, which ought ever to be kept ſacred. Of clubs and aſſociations he had, in general, diſapproved; and he ſhould always reſiſt, to the utmoſt of his power and ability, any attempt to deſtroy or enfeeble the firſt principles of our unrivalled form of Government, in the defence of which, were it to become neceſſary, the laſt drop of his blood ſhould be expended. Having recurred to the example of the conduct of France, during a time of peace, and contended that, as was the caſe in the reign of Lewis the Fourteenth, it had frequently proved more dangerous to this country than a ſtate of open war, Mr. Burke, in concluſion, became again the warm panegyriſt of Mr. Fox; and repeated and reinforced the doctrine which he had maintained upon the ſubject of the Revolution. Mr. Burke

Mr. *Sheridan* declared, that he roſe with the greateſt regret; but that the very reaſons which his right honourable friend (Mr. Burke) had given for the ſentiments Mr. Sheridan.

which he had that day uttered, namely, an apprehenſion of being ſuppoſed to acquieſce in the opinions of thoſe for whom he entertained the higheſt regard, and with whom he had uniformly acted, operated alſo on his mind, and made him feel it a duty to declare, that he differed decidedly from that right honourable gentleman in almoſt every word that he had uttered reſpecting the French Revolution. Mr. Sheridan added ſome warm compliments to Mr. Burke's general principles; but ſaid that he could not conceive how it was poſſible for a perſon of ſuch principles, or for any man who valued our own Conſtitution, and revered the Revolution that obtained it for us, to unite with ſuch feelings an indignant and unqualified abhorrence of all the proceedings of the patriotic party in France.

He conceived theirs to be as juſt a Revolution as ours, proceeding upon as ſound a principle and a greater provocation. He vehemently defended the general views and conduct of the National Aſſembly: he could not even underſtand what was meant by the charge againſt them of having overturned the laws, the juſtice, and the revenues of their country. What were their laws? The arbitrary mandates of capricious deſpotiſm. What their juſtice? The partial adjudications of venal magiſtrates. What their revenues? National bankruptcy. This he thought the fundamental error of the right honourable gentleman's argument, that he accuſed the National Aſſembly of creating the evils, which they had found exiſting in full deformity at the firſt hour of their meeting. The public creditor had been defrauded; the manufacturer was without employ; trade was languiſhing; famine clang upon the poor; deſpair on all. In this ſituation, the wiſdom and feelings of the nation were appealed to by the Government; and was it to be wondered at by *Engliſhmen*, that a people, ſo circumſtanced, ſhould ſearch for the cauſe and ſource of all their calamities; or that they ſhould find them in the arbitrary conſtitution of their government, and in the prodigal and corrupt adminiſtration of their revenues? For ſuch an evil, when proved, what remedy could be reſorted to, but a radical amendment of the frame and fabric of the conſtitution itſelf. This change was not the object and wiſh of the National Aſſembly only, it was the claim and cry of all France, united as one man for one purpoſe. He joined with Mr. Burke in abhorring the cruelties that had been committed; but what was the ſtriking leſſon, the aweful moral that was to be gathered from the outrages of the populace? What, but a ſuperior abhorrence of that accurſed ſyſtem of deſpotic Government, which had ſo deformed and corrupted human nature, as to make its ſubjects capable of ſuch acts; a Government that ſets at naught the

the property, the liberty, and lives of the subjects; a Government that deals in extortion, dungeons, and tortures; sets an example of depravity to the slaves it rules over; and, if a day of power comes to the wretched populace, it is not to be wondered at, however it is to be regretted, that they act without those feelings of justice and humanity, which the principles and the practice of their governors have stripped them of. At the same time, if there were any persons, who, for the purposes of their own private and personal ambition, had instigated those outrages, they, whatever their rank, birth, or fortune, deserved the execration of mankind. Justice, however, required, that no credit should be given to mere rumours on such a subject.

But whatever these outrages were, or whoever caused them, was the National Assembly in any respect responsible? The National Assembly, who, in all cases, had interfered with zeal and alacrity for the maintenance of order and just subordination—what action of theirs authorized the appellation of a *bloody, ferocious, and tyrannical Democracy?* Language like this had been but too prevalent in some of the ministerial prints, and he had always seen it with regret; for, to traduce the National Assembly, was, in his mind, to libel the whole French nation: whatever was great or good in France, must be looked for there, or no where.

Mr. Sheridan next attacked Mr. Burke's declaration, that the French might have received a good constitution from their *Monarch*. What! was it preparing for them in the camp of Marshal Broglio? or were they to search for it in the ruins of the Bastile? He avowed a most eager and sanguine hope that the *despotism of France should never be restored.* He avowed this, not only as a friend to the general rights of mankind, but as a politician, speaking only for the advantage of his country. He was convinced, that it was for the interest of Great Britain, that the despotism of France should be destroyed. Whoever looked into our history, would come at once to the opinion, that the greater part of the expence of blood and treasure of this nation had been owing to the circumstance of France being a *despotic Government*, and, being a despotic Government, being what all despotisms ever had been, a Government of unprincipled ambition, and without faith or justice in its dealings with other nations. Let France amend her constitution, she *may* become more powerful in her permanent resources, but she certainly *will* be a juster, worthier, and more peaceable nation, and more likely to act towards us, as we do now towards her. The French were naturally a brave and generous people; their vice had been their Government. In hoping, however, that that Government might be radically amended, he could not be

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thought to approve of wanton perſecution of the Nobility, or any inſult to Royalty: it was conſiſtent with the ſpirit of the moſt perfect conſtitution, that the Monarch ſhould retain all the powers, dignities, and prerogatives becoming the firſt Magiſtrate of ſo great a country.

Mr. Sheridan went into other parts of the diſcuſſion reſpecting the French Revolution, and paid high compliments to the Marquis de la Fayette, Monſieur Baily, and others of the French patriots; and concluded with expreſſing his regret that ſo many friends of the Miniſter had held ſentiments apparently contrary, and above all, that his right honourable friend ſhould have ſuffered his humanity, however juſtly appealed to, to have biaſſed his judgement on ſo great a queſtion.

Mr. Sheridan concluded, with expreſſing a farther difference with Mr. Burke with reſpect to our own Revolution of 1688. He had never been accuſtomed to conſider that tranſaction as merely the removal of one man, and the ſubſtitution of another, but as the glorious æra that gave real and efficient freedom to this country, and eſtabliſhed, on a permanent baſis, thoſe ſacred principles of Government, and reverence for the rights of men, which he, for one, could not value here, without wiſhing to ſee that diffuſed throughout the world.

Mr. Burke Mr. *Burke* anſwered, that he moſt ſincerely lamented over the inevitable neceſſity of now publicly declaring, that henceforth, his honourable friend and he *were ſeparated in politics*; yet, even in the very moment of ſeparation, he expected that his honourable friend, for ſo he had been in the habit of calling him, would have treated him with ſome degree of kindneſs; or at leaſt, if he had not, for the ſake of a long and amicable connection, heard him with ſome partiality, have done him the juſtice of repreſenting his arguments fairly. On the contrary, he had, as cruelly as unexpectedly, miſrepreſented the nature of his remarks. The honourable gentleman had thought proper to charge him with being the advocate of deſpotiſm, though, in the beginning of his former ſpeech, he had expreſſly reprobated every meaſure which carried with it even the ſlighteſt appearance of deſpotiſm. All who knew him could not avoid, with the moſt unmerited violation of natural juſtice, acknowledging that he was the profeſſed enemy of deſpotiſm, in every ſhape, whether, as he had before obſerved, it appeared as the ſplendid tyranny of Lewis the Fourteenth, or the outrageous democracy of the preſent Government of France, which levelled all diſtinctions in ſociety. The honourable gentleman alſo had charged him with having libelled the National Aſſembly, and ſtigmatiſed

them as a bloody, cruel, and ferocious Democracy. He appealed to the House, whether he had uttered one single syllable concerning the National Assembly, which could warrant such a construction as the honourable gentleman had put upon his words. He felt himself warranted in positively repelling the imputation; because the whole tenor of his life, he hoped, at least, had proved that he was a sincere and firm friend to freedom; and, under that description, he was concerned to find that there were persons in this country, who entertained theories of Government, not thoroughly consistent with the safety of the State, and were, perhaps, ready to transfer a part, at least, of that anarchy which prevailed in France, to this kingdom, for the purpose of effectuating their own designs. Yet, if the honourable gentleman considered him as guilty, why did he not attack him as the foe of his country? As to the charge of abusing the National Assembly, it might seem almost sufficient to answer, "What "is the National Assembly to us?" But, he declared that he did not libel the National Assembly of France, whom he considered very little in the discussion of these matters; that he thought all the substantial power resided in the Republic of Paris, whose authority guided, or whose example was followed by all the Republics of France. The Republic of Paris had an army under their orders, and not under those of the National Assembly. The honourable gentleman had asked from whence the people of France were to expect a better constitution? whether from Marshal Broglio, at the head of his army; or were they to look for it amidst the dungeons of the Bastile? Was that a fair and candid mode of treating his argument, or was it what he ought to have expected in the moment of departed friendship? On the contrary, was it not evident that the honourable gentleman had made a sacrifice of his friendship, for the sake of catching some momentary popularity? If the fact were such, however, even greatly as he should continue to admire the honourable gentleman's talents, he must tell him that his argument was chiefly an argument *ad invidiam*, and that all the applause for which he could hope from clubs, was scarcely worth the sacrifice which he had chosen to make for so insignificant an acquisition.

Colonel *Phipps* rising next, observed, that he considered it as an indispensable duty to justify his argument in a former debate, to which an honourable gentleman (Mr. Sheridan) had alluded, and to assert, that when he compared the different conduct of the English soldiery, in the riots of 1780, with the conduct of the French soldiery, in the course of the last four months, he meant to rest his comparison on that part of the conduct of those of the French army only who left

Colonel Phipps.

left Paris and went to Verſailles, with an intention to overawe the National Aſſembly, then deliberating on the forms of the new conſtitution. Upon this occaſion, he ſhould beg leave to mark the eſſential difference between the French officer and ſoldier, and the Engliſh officer and ſoldier. In France, neither had any ideas of civil rights or political liberty; whereas here, both were ſharers in the common liberty diſtributed to all under our excellent and free conſtitution; born to participate its bleſſings, they were taught, from their infancy, to look up to it as the great object of their ſupport. The officers, eſpecially, being men of property, knew that their own intereſt, and that of the reſt of the community, were implicated together; and that, on the ſecurity of the one depended the preſervation of the other. In concluſion, the Colonel complimented Mr. Burke on the arguments which he had uſed in defence of the ſupport of the conſtitution, and he declared that he concurred with him entirely in all which he had advanced concerning this ſubject. As to the compariſon between the Engliſh and the French Revolutions, it was ill grounded; the one having been accompanied by the happieſt effects, and the other by anarchy and confuſion.

Mr. Pitt. Mr. Chancellor *Pitt* having opened his ſpeech with the obſervation, that he ſhould not have riſen a ſecond time, if he had not conſidered himſelf as particularly alluded to during one part of the debate, added, that he could not withhold the tribute of his applauſe from his honourable friend (Colonel Phipps) in return for the able and eloquent manner in which he had defended his argument on the preceding Friday: neither could he avoid expreſſing his approbation of one particular part of the ſpeech of an honourable gentleman (Mr. Sheridan;) but he thought that he ſaw a deſign in his commendation of what he had ſaid, and that it was intended by inſinuation to mark the difference between what had fallen from him and what had fallen from a right honourable gentleman over the way; and if that had been the object of the honourable gentleman's applauſe, he begged leave to diſclaim any pretenſion to it. He repeated the expreſſion in queſtion in nearly the very words which he had before uſed, and he inſiſted upon it, that the words by no means bound him down, ſo as to prevent his declaring that he agreed with the right honourable gentleman (Mr. Burke) in every point which he had urged relative to the late commotions in France, to enter into a diſcuſſion of which was by no merns his intention. The right honourable gentleman had delivered himſelf with warmth; but a warmth which had proceeded from a motive which did the right honourable gentleman the higheſt honour; and he ſhould feel himſelf bound to acknowledge,

that the sentiments which the right honourable gentleman had that day professed, respecting the constitution, inspired him with a most sincere and lasting gratitude. He agreed with the right honourable gentleman, that the grounds of the constitution ought never to be departed from, but should, on all occasions, be holden sacred; and the manner in which he had that day stood forward, and pledged himself to maintain those grounds inviolate, and protect them from all attempts to shake and to enfeeble them, under whatever mask they might be made, would entitle him to the gratitude of his contemporary fellow citizens, and of posterity. With respect to some particulars, the right honourable gentleman and he might differ, upon the present occasion, but not, he flattered himself, in the fundamental principles. The Chancellor of the Exchequer having mentioned his disinclination to interfere with the latter part of the debate, remarked, that he did not conceive that any vindication was necessary in favour of his noble friend (Viscount Valletort) for what he had said, on the first day of the session, with such distinguished ability, respecting the transactions which had taken place in France. In every one of the observations of the noble Viscount, he declared that he fully concurred. He drew the distinction between, what he termed, the happy and genuine freedom enjoyed by Englishmen under the constitution of this country, and the unqualified nominal liberty of the French at present, which was, in fact, the most absolute, direct, and intolerable slavery. He avoided entering into any discussion of the particulars of what had happened in France, declaring that he did not think such a discussion proper for that House; much less would it become any man, standing in his situation, to bring it directly forward as a subject for investigation.

Sir George Howard.

Sir *George Howard* observed, that as a right honourable gentleman (Mr. Burke) had asked for his opinion whether he thought the stationing troops in the different islands in the West Indies was a wise and proper measure, he should venture to assure him, that he considered the measure as originating from sound policy; and that whenever it should be abandoned, he must conclude that the Minister ill discharged his duty to his country. He commended the Chancellor of the Exchequer's mode of explaining the army estimates on the preceding Friday, declaring, that he never in his life had heard army estimates opened with more perspicuity, or more satisfactorily. He thanked Colonel Phipps for his defence of the British army, and begged to have it understood that he concurred entirely in every sentiment which he had uttered on the subject. With regard to France, he did not think what passed, with respect to her internal concerns, a fit subject

ject for discussion in that House; he heartily wished her better days than she had seen, and that she might so settle her constitution, that her people might be more happy under it, and Europe be more at rest than heretofore. He fully agreed with a right honourable gentleman (Mr. Burke) in all he had said respecting the propriety of maintaining the constitution free from innovation, and declared that he not only had hitherto uniformly supported it to the utmost of his power, but that he was determined to continue to give it every support which his feeble voice could administer.

Viscount Fielding.

Viscount *Fielding* justified the remarks which he had made on the preceding Friday, respecting the conduct of some British forces in the year 1688, and he repeated that the French soldiery acted on principles highly honourable to themselves, both as soldiers and citizens. He gave the House an account of his having lately visited St. Omer's, where he had seen a large body of French soldiers, in whose praise he spoke warmly.

Mr. Courtenay

Mr. *Courtenay* observed, that after so long a debate, he would not trouble the House with the detail of his sentiments on the ordnance estimates; but he gave notice that he would, at an early day, move for an estimate of a particular branch of ordnance service, which would bring the whole subject before the House.

The string of resolutions, both army and ordnance, were then read and agreed to, and the House adjourned.

Wednesday, 10th February.

Mr. Burges moved, "That the bill which he had intro-
"duced for the purposes of regulating the jails, and the laws
"respecting debtors and creditors," be read a second time.

Mr. M. A. Taylor.

Mr. *Mich. Ang. Taylor* expressed his earnest wishes that the bill might undergo a careful and ample investigation, by those honourable and learned Members who had been bred to the profession of the law, when it should be proposed to be referred to a Committee, a stage in which he certainly should resist it. The bill went much farther than its title purported, and was by no means adequate to its proposed object; it went to unhinge all the laws relative to debtor and creditor now in existence, and which had received the sanction of established custom. The Judges, he understood, were all of them adverse to the bill, thinking it would produce more evil than benefit to the description of persons, to serve whom it had been professedly introduced; and every gentleman of the learned profession, with whom he had conversed on the subject, had agreed with him in one and the same opinion, that the bill, which was not an insolvent bill, as was imagined by many, was such as ought not to pass into a law.

a law. He very readily did the honourable gentleman, who had brought in the bill, the justice to declare, that he believed him to have introduced it from the purest motives; he knew that the honourable gentleman had taken great pains with it, and that it had cost him an infinite deal of time and trouble; but being confident that the bill would do more harm than good, he should hold it his duty to oppose the Speaker's leaving the chair, when it should be proposed to refer the bill to a Committee.

Mr. Burges. Mr. *Burges* admitted, that such a bill certainly called for the serious attention of the House, and he hoped it would receive it. With regard to all the Judges disapproving of the bill, he had reason to believe, from what he had heard, that some of them at least entertained a different opinion. As to the merits of the bill itself, he wished to have them fully examined and discussed, and therefore he hoped, and even trusted, that at the time of referring it to a Committee, there would be an ample attendance.

Mr. Wigley. Mr. *Wigley* repeated the objections he had last session stated to the bill, and said, he still adhered to the same opinion against it, which he had then entertained, and should certainly be prepared, upon the day of the motion for referring the bill to a Committee, to explain still more at large his reasons for opposing it.

Mr. Orde. Mr. *Orde* recurred to his former and still fixed opinion, that a bill of such magnitude and importance, so materially affecting all the laws relative to debtor and creditor, ought to originate in the other House, where the advice and assistance of the Judges could be had, and where they could be consulted as to their sentiments concerning the propriety and efficacy of such a measure. Without, therefore, enquiring into the merits of the bill, or examining any one of its clauses, it was a sufficient objection to him against the bill, that it was not brought forward with the previous sanction of the Judges of the several courts, one of whom had the exercise of all the bankrupt laws under the immediate jurisdiction and control of the court in which he presided.

Attorney General. The *Attorney General* also contended, that a bill of the nature and extent of the present, ought to have been sent down from the other House, and to have had the previous sanction of the judges. He had no scruple to declare, that he had made up his mind upon the bill, and thought it wholly inadequate to its professed object. The bill would produce a peculiar disadvantage to plaintiffs, and did not appear calculated to afford them any substantial relief.

Master of the Rolls. The *Master of the Rolls*, after having declared that he totally coincided with his two honourable and learned friends who had spoken last, observed, that as it would not be fair

to oppose the bill at that time, it having been generally understood that it was not to be objected to that day, he would only say, that it was highly necessary for the House to decide upon it as soon as they conveniently could. This was the third year the bill had been in the House, and every year it had been printed, and circulated throughout the kingdom; it held out, therefore, false hopes of relief from time to time to debtors, who expected that the bill would pass, and when the bill was thrown out, the disappointment to the debtors was extremely serious. Perhaps it might be right that such a bill should go to a Committee, in order to be made as perfect as possible, and that then the House should decide upon it; but he conceived the more regular way would be, to postpone the present motion for a second reading, and then discuss the principle of the bill, whenever the day for the second reading should arrive.

Mr. Burges. Mr. *Burges* said, he had no manner of objection to move that the order for reading the bill a second time be discharged, and to move a new one for that day week.

Mr. Jekyll. Mr. *Jekyll* remarked, that as amongst other objectionable points, the bill appeared calculated to deprive the Court of Chancery of the jurisdiction over bankrupts, and as the manner in which it absurdly promised to relieve debtors, was by giving them a closer confinement, he should hold himself bound to oppose it in the Committee.

Mr. Mainwaring. Mr. *Mainwaring* recommended it to the honourable gentleman, as he had now listened to the opinion of almost every professional man in the House, and found they were unanimously against the bill, to dispose of it at once, by moving, that it be read that day six months.

Mr. Burges. Mr. *Burges* answered, that it did not follow that the bill should not be examined and discussed, because certain professional men did not happen to approve of it; he wished it to be submitted to a fair examination, that the objections which gentlemen professed to entertain against it might be known, and that the Public, as well as that House, might be enabled to judge of their validity.

The bill was ordered to be read a second time upon the ensuing Wednesday.

The House adjourned.

Thursday, 11th February.

No debate occurred.

Friday, 12th February.

The Secretary at War moved the order of the day for the House to resolve itself into a Committee on the Mutiny Bill.

The

The Houſe immediately reſolved itſelf into a Committee, Mr. Gilbert in the chair.

Secretary at War.

The *Secretary at War* ſtated to the Committee, that the mutiny bill before them was preciſely the ſame with that of the laſt year, except in a ſingle point, in which certain words were omitted which provided for what was now no longer neceſſary; the words omitted were for the formation of courts martial on the Britiſh ſettlements on the river Gambia, in Africa, there being now no ſuch ſettlements on that river, the proviſions were unneceſſary, and they had therefore been omitted. In their ſtead, however, he ſhould move the inſertion of words providing for the formation of courts martial in the Britiſh ſettlements in New South Wales. Sir George Yonge concluded by making his motion.

The queſtion was put and agreed to, and the words inſerted.

The 47th clauſe being read, providing for the quartering of troops in Scotland, according to the uſage at the time of the Union,

Sir James Johnſtone

Sir *James Johnſtone* contended againſt it, as being totally uſeleſs; and having premiſed that it enacted that the troops in Scotland ſhould be quartered according to the uſage at the time of the Union, obſerved, that ſuch an uſage was ſo unknown, and the mode of quartering troops ſo various, that great difficulties were conſtantly ariſing; in ſome places, it was the practice to quarter troops on the fiſhermen, in others on the magiſtrates, and in no two counties were they quartered alike. He inſtanced the practice at Muſſelburgh, Annan, Livingſtone, &c. and conſidered this an evil that merited the attention of Parliament, and he wiſhed it to be reformed; but he did not move any queſtion upon it at preſent, though he hoped that early in the next Parliament ſomething would be done to cure the irregularity.

Sir George Yonge.

Sir *George Yonge* anſwered, that he would admit the poſition of the honourable Baronet, that the uſage not being known, and the practice in the different counties being various, much difficulty had ariſen. He could not, at that time, however, have propoſed a remedy, without trenching on the treaty of Union: he wiſhed Scotland to come to ſome uniform method, and that ſuch method ſhould be confirmed by act of Parliament.

The bill was then gone through, and the report ordered to be made on Monday.

Sir John Miller.

Sir *John Miller* moved, "That Sir William Chambers "be ordered to lay before this Houſe, plans of the buildings "that have been, and are now carrying on, in Somerſet "Place. Ordered.

Sir John thought it neceſſary, as he intended to bring the buſineſs before the Houſe, to enquire whether the order of the Houſe of the 8th of April, for the production of certain accounts, had been complied with?

Mr. Roſe. Mr. *Roſe* ſaid, that if the honourable Baronet had given him notice of his intention to put the queſtion he had juſt done, he would have enabled himſelf to give a poſitive anſwer; at preſent he could not, but he believed the order had been complied with.

Sir James Johnſtone moved, " That Sir William Chambers be ordered to lay before that Houſe an account of the " expences already incurred in the ſaid buildings; and an " eſtimate of the intended future expence." Ordered.

The Houſe adjourned.

Monday, 15th February.

Mr. Fox gave notice, that he would, on Wedneſday fortnight, make a motion for leave to bring in a bill for the repeal of the Teſt and Corporation acts.

Mr. Pitt. Mr. Chancellor *Pitt* flattered himſelf, that the right honourable gentleman would admit, that on the agitation of a queſtion of ſuch infinite importance, there ought to be as full an attendance as could be convened; and therefore he would move that there be a call of the Houſe. Provided that the end of the call could be obtained, it muſt prove a matter of indifference to him whether it took place on the day before or the day after the intended diſcuſſion of the right honourable gentleman's queſtion.

Mr. Fox. Mr. *Fox* thought a fortnight's notice as ſhort as could be given of any important queſtion, and the only reaſon why he had not declared his intentions earlier, was, becauſe he underſtood that if he named a later day, the Members of the learned profeſſion would be engaged on the circuit, at which time it was uſual for many gentlemen of other deſcriptions to be abſent from that Houſe, on neceſſary duties in the country.

It being intimated that Wedneſday fortnight was an aſſize day on ſome circuits, Mr. Fox named Tueſday fortnight for his motion, and Mr. Pitt moved, " That the Houſe be " called over on the Monday preceding." The motion was agreed to, *nem. con.* and the uſual orders given.

The Houſe adjourned.

Tueſday, 16th February.

No debate occurred.

Wedneſday,

Wednesday, 17th February.

Sir *John Riggs Miller* having premised that it was, undoubtedly, the first duty of every Member of that House to be guarded and circumspect in the voting public money; and that his next duty was to examine in what manner money so voted had been applied, and how far the objects for which it was granted had been promoted or attained, observed, that it was under a full and due sense of this obligation upon Members of Parliament, both generally and individually, that he now rose to state, that in the year 1786, Commissioners were appointed by Parliament "further to enquire "into the fees, gratuities, perquisites, and emoluments, "which are or have been lately received in the several public offices mentioned in the act of their appointment, to "examine into any abuses which may exist in the same, "and to report such observations as shall occur to them, for "the conducting and managing the business in the said offices, &c." Sir John said, he had heard, but not from any public or efficient authority, that these accounts had been delivered in, more than a year and a half past, to the Treasury, and that that commission had been closed; and he thought it his public duty now to ask, from those only who could give him satisfaction upon this point, whether that had been the case or not? Whether any, and what, measures had been taken, or were taking, to exterminate the abuses, or to promote the reforms that may have been recommended by the said Commissioners? In short, whether those reports were not to be produced to that Parliament which ordered them, and to that Public who have paid for them, and who had a right, and a speedy right, to every benefit that could be derived from them. As the end of the existence of the present Parliament was necessarily at no great distance, and as its termination might be very near them, it behoved them to be particularly active in doing what public good they could, while they had yet the power to do so; and more especially to apply the information contained in those Reports, made under their orders, for purposes and objects, with which they must be presumed to be better acquainted than that Parliament which should succeed them. Sir John paused, and receiving no answer, said, he would move for the Report, if no answer was given. **Sir John Miller.**

Mr. Chancellor *Pitt* flattered himself, that the honourable Baronet would rest assured that it was not out of any personal disrespect to him, or from any wish to withhold an answer, that he had not risen sooner, but merely because it was contrary to the rules of the House to rise when a Member was upon his legs. As soon as the honourable Baronet had sat down, **Mr. Pitt.**

down, he had intended to riſe and ſtate, that the honourable Baronet was miſtaken in ſuppoſing that a Report on the caſe in queſtion had been made to the Lords of the Treaſury eighteen months ſince; no Report upon the ſubject was in their hands at all, the act of Parliament having ſpecially provided that the Report was to be made to His Majeſty in Council, from the conſideration, no doubt, that the facts ſtated in that Report would come more peculiarly within the province of the executive Government to act upon, than of either branch of the Legiſlature to diſcuſs. The Report had certainly been ſome months ſince made to His Majeſty in Council, but in the voluminous variety of Reports before the Council, it had not been poſſible for them very early to enter into the inveſtigation of its contents; he could aſſure the honourable Baronet, however, that the Report was now under the conſideration of Government.

Mr. Courtenay

Mr. *Courtenay* ſaid, that as ſeveral gentlemen had ſignified a wiſh to know when he meant to bring forward his motion relative to the ordnance eſtimates, he roſe to give notice that, if more important matter ſhould not preclude it, he would make his intended motion upon the enſuing Monday.

Sir John Miller.

Sir *John Miller* ſignified his determination to ſupport the motion.

Mr. Burges moved the order of the day for reading his Jail Regulating bill a ſecond time.

The order of the day being read for the ſecond reading of the bill "for the relief of debtors, for the more ſpeedy and "effectual payment of creditors, and for the regulation of "jails, ſo far as relates to impriſoned debtors,"

Sir John Miller.

Sir *John Miller* roſe, and remarked that he, for one, ſhould certainly vote in favour of the bill's going to a Committee; he well knew that the honourable gentleman who had brought it in, had been actuated by the pureſt motives only, and the moſt benevolent intentions. He had beſtowed infinite pains, and the moſt unremitting attention up its correction and improvement; for three years paſt, he had ſuffered it to be conſidered and re-conſidered; to be committed and re-committed; he had ſhewn, at all times, and upon all occaſions, the utmoſt readineſs to adopt every meliorating alteration and ſuggeſtion that had been propoſed to him. His bill had been frequently printed with ſuch corrections, improvements, and amendments; it had been in the hands of all the Members of that Houſe; it had been repeatedly diſperſed over the kingdom, and had, he underſtood, been ſubmitted for reviſion to many eminent perſons of the profeſſion of the law. And was a bill where objects were ſo intereſting and ſo important to the community at large, and ſo benevolent in themſelves, to be refuſed the diſcuſſion of a Committee, and to be rejected

rejected at the second reading, as if originating in frivolous, useless, and wanton surmises? He trusted that would not be the case this day. The learned gentlemen, and all the Members of that House, had been well accustomed to see bills brought in there most imperfect, most inconsistent, and most contradictory in their first outlines. Yet, by committing, and re-committing, by amending and improving, adding, expunging, and correcting, and by even going so far as to adopt the suggestions of those who were averse alike to the principle as to the provisions of those bills, they became at length fitted to answer their intended purposes, and did now actually stand upon our statute books as permanent and indisputable laws. Yet, the objects of all these acts were frivolous and fanciful, compared to the vast moment and magnitude of those of the bill then before them. A bill which embraced almost every thing that was great, solemn, or sacred, in this or any other Legislature—Debtor, Creditor, and Imprisonment.

Sir John said, he did not take upon himself to contend that the bill was perfect, or any thing like what it might, or what it ought to be, or that it did not want infinite correction and amendment. But then, let them try to amend it in a Committee, let them make it as perfect as they could make it; then, and not till then, should they have done their duty by it. Learned gentlemen observed in that House, on its first reading, that such a bill ought to have originated in the other House, where the advice of the Judges could be had, and where these learned persons could be consulted as to their opinion of the propriety and efficacy of such a measure, and that it should have had the previous sanction of the Judges of the several courts. He would take the liberty of reminding the learned gentlemen who now heard him, that such bills had beeu repeatedly brought into the other House, where our great law luminaries give their constant and necessary attendance. A noble Duke had formerly brought in a bill to this effect. A noble Earl (of Effingham) now on his way to a distant government, had repeatedly brought in such bills; and a noble Lord, (Rawdon) whose early and distinguished military talents went hand in hand with every peaceful and benevolent excellence and attainment, brought in such a bill the session before the last. What had been the consequence of all this? Why, that these bills had been universally rejected; and by whom? By the learned profession in the other House, who admitted their necessity, objected to their principle or provisions in the gross, and who, without attempting to amend them, or to substitute better in their stead, were perfectly content with their total rejection. If the *indocti* of both Houses must always fail in such bills, why would

would not the *Juris Legumque Periti* take the business out of their hands, and give them something that should be legal, efficient, constitutional, and substantial. If the learned gentlemen refused to do this, because it may be, in some degree, troublesome or intricate, and would always be ready to shew the inefficacy of the endeavours of the unlearned, then this most grievous mischief must necessarily remain unremedied and unredressed. The learned gentlemen, like physicians called to a sick man, admit that he is very ill, disapprove of all the remedies that have been proposed for him, but refuse to prescribe any thing themselves for his relief or comfort. The learned gentlemen now present are as eminent and as able as any that are, or, perhaps, have ever been, of their profession: they can have the assistance of all the Judges; they are well acquainted with the grievances, and they can suggest direct remedies for them. If those learned gentlemen would give them a hope that they would employ a few leisure hours in that great, that necessary, that benevolent undertaking, he would submit, for one; and he dared to say, the honourable promoter of the bill would have no objection to give place to such instructed and enlightened substitutes; if they did not, then he confessed he was for doing the best he could with the bill in the Committee; and if they failed, they would still have the consolation of having done their public duty, all that they were able to do to support the rights, while they were alleviating the miseries of their suffering fellow creatures.

Mr. M. A. Taylor.

Mr. *M. A. Taylor* declared, that he wished to give the honourable gentleman who had introduced the bill, every credit for his intention, but he did not think the bill would answer the honourable gentleman's own object He objected to the principle, and therefore he would confine his arguments to that at present, without going into any discussion of the clauses. The bill proceeded on the idea that the protection holden out to debtors, by the subsisting laws relative to debtor and creditor was inadequate, and wanted extension. He begged leave to deny the fact, and to be allowed to maintain that the debtor was as much protected by the present laws as he could be, and that the protection which the humane consideration of the Legislature had provided for debtors, would rather be weakened and diminished, than strengthened and increased by any extension of the subsisting laws. With regard to the first enacting clause of the bill, obliging the creditor to give bail for the prosecution of the action, it tended to put all creditors to inconvenience, and with some it would certainly operate so as to prevent their attempting to recover their debt by prosecution, because, in many cases, the creditor might not be able to procure the

bail

bail required by the bill. Mr. Taylor adverted to the security against a false and groundless action by the common mode; to an affidavit made by the plaintiff, that the defendant stood indebted to him to the specific amount when he sued out a writ. He asked what better security was requisite, when the person, hardy enough to take a false oath, thereby incurred all the pains and penalties of perjury. Would any man in his senses risque that great danger? and if he did, was not the law and its consequences sufficiently severe? There had, indeed, recently happened a case, in which a man had ventured to hazard the danger; but what followed? The man was tried, convicted, and stood, the other day only, in the pillory at Charing Cross, and was afterwards to be transported for seven years; which was, surely, an exemplary punishment! The new mode suggested and enacted by the bill, would give no additional security to the creditor, but, on the contrary, would load him with intolerable inconvenience, and open the door to fresh frauds. His grand objection of all against the bill was, that it infringed upon the bankrupt laws, and paid a total disregard to the wise principles on which they were founded. Those laws, he begged leave to remind the House, had been introduced merely with a view to benefit merchants and traders; men who, by fairly venturing in trade and commerce, had met with misfortunes, and therefore were peculiarly entitled to the humane consideration of the Legislature of a commercial country. But the provisions of the present bill made no such distinction; the bill afforded the fraudulent debtor of any description the same relief as the honest but unfortunate tradesman. If a man involved himself in difficulty and in debt, merely because he chose to live in a ridiculous and extravagant manner, the distress which he incurred, originated in his own fault, and the Legislature had always taken care to distinguish between a man's faults and his misfortunes. In the present bill, there was not a single clause which discriminated between the one and the other. Mr. Taylor reprobated the bill, as well as those others formerly introduced of a similar tendency, as a species of bastard bankrupt laws, a spurious [illegible]rt of law of debtor and creditor, which tended to shake [illegible] foundation, and weaken the authority of all the laws which the wisdom of the Legislature had provided, and under which merchants and traders had lived with the greatest happiness and security during so long a period. He agreed with an honourable friend of his, who, in the late debate on the subject, expressed a wish that all bills relating to debtor and creditor had originated in the House of Lords, where the assistance of the Judges could be procured. He declared, he had conversed with one of the Judges, (as learned a Judge

as any in Westminster Hall) upon the subject, the preceding day, and the learned Judge had concurred in opinion with him, that the bill was inapplicable to its object, that it was erroneous in its principle, big with inconvenience and difficulty; that it could do no good whatever, but might produce infinite mischief. If there was any ground for complaint, that the law, as it stood, was not sufficiently favourable to the honest and unfortunate debtor, he knew no remedy but to make some partial regulation or extension of the Lords act: with regard to the present bill, he considered it to be a direct attack on the conduct of the Judges, and he saw it in every point of view to be so improper, that he could not sufficiently express his astonishment that a professional man should have presumed to have brought it forward, and therefore he should hold it his duty to object to the Speaker's leaving the chair.

Mr. Wigley.

Mr. *Wigley* observed, that the bill naturally divided itself under three heads—that part of it which referred to debtors, that which took into consideration the security of creditors, and that which referred to the regulation of jails. With regard to the first, the new mode of obliging creditors to find bail before they could proceed with their actions against debtors, instead of accelerating the means of recovering debts, tended to produce delay. Mr. Wigley argued upon several of the clauses, to shew that they were either oppressive or nugatory, and that all the benefits aimed at by the bill were obtainable with much less difficulty under the present laws. He declared that he coincided in opinion with his honourable friend, (Mr. Taylor) in the whole of his objections, and affirmed, that if the present bill were to pass into a law, it would create so much additional business in Westminster Hall, that unless the terms were lengthened and were to last from the first of January to the 31st of December, the business could not be dispatched, nor would the Courts prove large enough to hold the number of persons whom the bill would necessarily oblige to come from all parts of the kingdom to appear in open Court, if such a burden were imposed on the shoulders of the Judges personally, as the bill would lay upon them. He objected to giving any more summary power to Justices of the Peace, and chose rather to rest the property and interest of the subject on the constitutional security—the trial by jury. He deemed it improper that any man should hold out so dangerous a doctrine that a debtor might easily, and after a short confinement only, obtain his liberty. It was bad policy in a commercial country like this to suggest such a doctrine; not that the bill, in fact, would enable a debtor so to obtain his liberty. His great objection to the bill was, that it held out

such

ſuch a hope, and diſappointed it altogether, ſince it rendered it more difficult than ever for a debtor to get out of jail.

Sir *James Johnſtone* remarked, that it did not excite his aſtoniſhment, whilſt he diſcovered all the lawyers of one opinion, and that againſt the bill; becauſe, if it paſſed, he in his conſcience believed it would check the progreſs of litigation, by taking from its neceſſity. He had ever conſidered the impriſoning of the body of the debtor, after it was evident that he had ſurrendered his all, a diſgrace to a free country. In Scotland, the law was quite the reverſe. There certainly was ſomething deficient in the law of debtor and creditor here, and ſomething that called for a remedy; whether that was beſt to be given by extending the Lords act, or by ſuch a bill as the preſent, he could not pretend to ſay. The bill might be imperfect; it might call for alteration; but he nevertheleſs thought its principle good, and he could not believe it incapable of amendment. He hoped the wiſdom of that Houſe was fully equal to its improvement. He thought, therefore, that the preſent bill ought to go to a Committee, though there were parts of it he diſapproved. The bread and water clauſe he abhorred, and wiſhed to ſee it expunged. He alſo reprobated the preventing the debtor from being viſited in priſon. It too frequently happened, that when once a man was thrown into jail, he was deſerted by all but a few friends, whoſe humanity induced them to come to him, and contribute to his ſupport.

Sir James Johnſtone

Mr. *Jekyll* obſerved, that with reſpect to one view of the ill, as well as to the remark that the law was different in cotland, he readily embraced the idea of the honourable aronet who had ſpoken laſt. If there had been as many cotch lawyers in that Houſe, as there were Engliſh, he vely believed that both deſcriptions would have conſented to orm an act of Union againſt the bread and water clauſe. Vith regard to the ſimile introduced by the honourable Banet over the way, (Sir John Miller) he was convinced that the lawyers, who had been compared by the honourable aronet to a ſet of phyſicians called in upon a deſperate caſe, ere to take the nauſeous compound contained in the prent bill, they would become as ſick as their patients, and l their ſtomachs as much diſcompoſed as if they had ſwalved ſo much avoirdupois weight and meaſure of the moſt enſive preſcription; yet, whilſt he condemned the bill, he ld aſſure his honourable friend, that he firmly believed t the motives which had actuated him to introduce it were e and laudable. But the bill failed of its object in all its ts; it encumbered the creditor; did not relieve the debtor, ſo far from regulating the jails, contained a clauſe for riſoning the jailer. That part of it which related to an

Mr. Jekyll.

abolition of the rules, he deemed unanswerably objectionable. That the Judges thought differently from the framer of the bill on that subject, was clear, from an application known to have been made to the Court of King's Bench, to obtain from the Court an enlargement of the rules of the King's Bench prison; the Judges had unanimously resisted it, the Court declaring that, in their opinion, the rules, as established long ago, and sanctioned by ancient custom, ought neither to be enlarged or diminished, nor interfered with at all. He believed that the Court of Common Pleas felt equally with respect to the rules of the Fleet. He descanted on the great use of day rules to the debtors, thrown into prison in the moment of wrath and resentment of their creditors; the day rule afforded them an opportunity of calling on their creditors when their indignation had subsided, and by appealing to their compassion, when their judgement was cooler, of obtaining their release. Day rules, therefore, liberally considered, were highly useful to the community.

Mr. *Burges* observed, that as, in the course of the preceding week, several honourable Members had signified their intentions of coming forward, that day, with good and sound reasons against the principle of the bill, he had thought it right to wait till they had stated their arguments, in order to hear what they were, to enable himself to judge of their force and validity, and to give such an answer as might occur to his judgement as appearing adequate. With this view, he had listened attentively to all which had been advanced; and he felt himself bound to remark, that the honourable gentlemen did not appear to him to have kept their promises, or to have assigned any thing like a good and sound reason against the bill. With regard to several of the objections urged against the different parts of the bill, it was evident, that the gentlemen could not have read the bill as it stood at present, but had hazarded their objections from a conception that the bill then under consideration was one and the same with the bill originally introduced three sessions before. Gentlemen forgot that the present bill had a peculiar and very considerable advantage. It came before the House, after a bill upon the same subject had been repeatedly submitted to Committees of that House, both above stairs and in the House. The Committees above stairs had been open Committees, where every Member had a right to be present; and he should not do the gentlemen, who had attended, justice, if he did not acknowledge, that a great deal of light had been thrown on the subject, and that he himself had derived much information and instruction respecting it from those gentlemen. In consequence of that information, he had altered the bill, and made several omissions, which, he was free to own, on his matured

matured judgement, he thought real improvements. Among other omissions, if the present bill were carefully perused, it would be found that there was no clause for imprisoning a jailor, no clause for giving a Justice of Peace summary jurisdiction, nor any bread and water clause. An honourable gentleman, Mr. Burges observed, had divided the bill into three parts—the relief of debtors, the security of creditors, and the regulation of jails. It was true, the bill might be so divided with propriety. Debtors confined in jails in this metropolis, and in Surrey, formed by far the largest proportion of the imprisoned debtors in the kingdom, all the debtors in jail in the different counties of England not amounting to more than the number confined in the jails of the metropolis. Mr. Burges stated the numbers in each of the Law Court jails in and near London, and their aggregate amount, from what, he said, were the best authorities he could procure, and from documents which he had every reason to believe to be accurate. He divided debtors, in his consideration of what was necessary to be done respecting them, into three parts—before they were arrested, after they were arrested and imprisoned, and after they had obtained their liberty; and in those separate points of view, it was worth the while of the Legislature to regard them. With respect to the affidavit which, according to the present mode of proceeding, had been so much relied on by the honourable gentleman opposite to him, (Mr. Taylor) there was not the smallest solemnity or seriousness in the transaction, nor was there an opportunity for the Judge to put the least check upon the grossest fraud, or the most direct perjury. The affidavit was drawn up by the attorney for the plaintiff, and settled between him and the Judge's clerk, at the Judge's chambers, after which the clerk opened the door of the room in which the Judge sat, and administered the oath, without the Judge's knowing one tittle of the business to which the affidavit referred. Those gentlemen who had charged him with wishing to introduce novelties, were mistaken; he was only bringing back the real law of the land, which had been perverted by practice. There was not a professional man who could contradict him, when he asserted, that the law, as originally introduced, and as it actually stood, though abandoned in practice, required that every plaintiff should give two *bona fide* securities for every prosecution commenced. Instead of doing so, it had for years prevailed, that John Doe and Richard Roe, who were not easily to be found, were made parties in every action; and thus, by fiction and fallacy, the salutary and subsisting law of the realm was evaded and abused. Nor was this the only perversion of practice. The Judges were not, in all cases, sufficiently strict with attor-

nies, notorious for the moſt irregular, nefarious, and diſgraceful practices. After its having been proved that they had acted in a way highly diſhonourable and diſhoneſt, there were inſtances in which the Judges (for what reaſon he knew not; perhaps, when explained, it might be at leaſt a plauſible one) had ſuffered attornies to continue to practiſe as attornies of their court. But he meant not to ſhelter himſelf under vague and general aſſertions. He felt that he was ſpeaking in a moſt ſerious manner, when he urged any ſuch ground of complaint againſt characters ſo exalted, and ſo deſervedly reſpectable; but every word he had ſaid, and the whole foundation of his bill, reſted on facts indiſputable in themſelves, and incapable of being diſproved, becauſe the authorities he was armed with were ſuch, as muſt ſet contradiction and denial at defiance. He now held in his hand a variety of documents which were equal to the proof, that he did not advance a light or frivolous aſſertion, when he declared that he had proceeded upon the ground of facts. He ſelected a few caſes from the bundle, and ſtated them to the Houſe, to prove the abuſes which had grown out of the prevailing perverſion of the practice of the law. The firſt he mentioned was the caſe of Mr. Miller, a merchant of undoubted character and credit. Mr. Miller felt himſelf obliged to arreſt a tradeſman, his debtor for 700l.; that debtor found means, in revenge, to cauſe Mr. Miller to be arreſted for 40,000l., not one ſhilling of which he owed; and, as the practice was to require double bail, although an expreſs act of Parliament forbade the taking larger bail than the amount of the original debt, Mr. Miller was to find bail for 80,000l., the enormous amount of which rendered it impoſſible for him to procure bail, and he was obliged to go to the King's Bench priſon, where he continued ſix weeks, before he could obtain relief from the Court of King's Bench, which he was enabled to obtain, by the humanity of the Marſhal of the King's Bench, who, though a jailor, was a man of feeling, and ſtruck with the atrociouſneſs of the caſe, brought it before the Court. No ſooner was he at liberty, than the debtor contrived to have him arreſted again, by a writ from the Court of Common Pleas, for 20,000l., and he was kept in the Fleet 191 days, before he was able to obtain relief. Another caſe was that of Mr. Gretton, a Magiſtrate every way reſpectable, who having heard of a dreadful murder and robbery committed on a French jeweller, took the moſt active part in tracing the murderers, and recovering the jewels ſtolen. Being at a loſs how to diſpoſe of the property of a foreigner, or to whom he ſhould deliver it, he applied to the French Ambaſſador, who adviſed him to detain the jewels till he ſhould write to France, and procure ſome information

mation reſpecting them. In the interim, Mr. Gretton was arreſted on account of his detaining the property, by a writ for 10,000l. while diſcharging the duties of his office, and dragged from the chair of Magiſtracy with all the indignity due to a common felon; and he muſt have gone from the judgement ſeat to jail, if ſome diſtinguiſhed perſons had not immediately ſtood forward, and become his bail. Afterwards, the property being valued, the whole amount at which it was appreciated proved to be no more than one hundred and twenty-eight pounds! A third caſe, was that of a perſon named Curtis, who was married to a moſt amiable and worthy woman, by whom he had eight children. This man wanted not only to ſeparate himſelf from her, but to marry another; and becauſe his wife would not comply with his modeſt propoſal, he contrived to get her arreſted, and ſent to Newgate, where ſhe was obliged to continue many months, and to procure a ſubſiſtence for herſelf and children as well as ſhe could. At length, by the art of an attorney, ſkilled in the crooked practice of the law, by the operation and influence of diſtreſs, and by other obvious cauſes, the woman was prevailed on to compromiſe with her huſband for the ſake of a quiet life, and in order to obtain her liberty. Mr. Burges ſtated the name of the attorney, and ſaid that the caſe was authenticated by a Member of that Houſe (Mr. Prothonotary Manwaring) and the Judges of the Court of Common Pleas had nevertheleſs ſuffered the attorney to remain on the roll of that Court. Captain Williams, who had a bond debt due to him for 45l. employed a Sheriff's officer to recover the amount from the granter of the bond. On his calling on the officer a few days after, to enquire what he had done, he was told, to his great ſurpriſe, that he had a writ againſt him, at the ſuit of his debtor, for a large ſum, which had been ſued out by an *honeſt* attorney. On application to the attorney, he offered to liberate Captain Williams, on condition of his giving up the bond. This Captain Williams refuſed, and he was actually thrown into priſon, where he remained one hundred and ninety-one days. This, Mr. Burges ſaid, with the three other caſes that he had before ſtated, were but ſamples of the many hundreds of other inſtances of abuſe of the practice of the law that had come to his knowledge. He denied the truth of the argument, that, as the practice ſtood at preſent, debtors, or perſons improperly arreſted, could eaſily or ſpeedily procure their diſcharge. He contended that the ſhorteſt period would be two terms; and, in moſt caſes, five; and he offered to come to the proof of his aſſertion from authentic records. He obſerved, that the impriſonment of a debtor was originally intended as a coercion, where a man would not pay by honeſt

and

and fair means. That he had endeavoured to avail himſelf of this principle of coercion, and that it would be found that his bill went to that point. He had ſtriven to make impriſonment ſuch a proceſs, as to enable a man to pay his debts, but not to operate againſt him as a cauſe of mere vexation. Conſidering, therefore, the importance of the bill, conſidering that its principle was ſuch, as he conceived every liberal-minded man muſt approve, he could not but think that it ought to go to a Committee, and be there diſcuſſed fully and regularly; and he now pledged himſelf to meet every objection which could be offered, and fairly argue its merits. With regard to rules, upon which much ſtreſs had been laid, ſure he was, that inſtead of anſwering the humane end adverted to in reſpect to day rules, they were the occaſion of all ſorts of diſſipation, vice, and debauchery. Even the practice of obtaining day rules had grown into abuſe. A day rule was not now obtained as a favour to the hard caſe of any individual debtor, but was an indulgence bought for money, without pretence of any particular ground for its being granted to one debtor more than to another. The only purchaſe was its price, and he who had money enough in his pocket was ſure to obtain it. When the Houſe knew that the emoluments of the Marſhal of the King's Bench were not leſs than 5000l. a year for day rules, they would, perhaps, think that the matter deſerved ſome inquiry. A hint being given acroſs the table, by Mr. Taylor, of a doubt of the truth of this aſſertion, Mr Burges ſaid, he had it from the clerk of the papers to the King's Bench, who came to him full of indignation upon the knowledge of the fact, and ſaid, he was glad that he (Mr. Burges) had reſolved to bring the ſubject forward in Parliament, and that he would give him every aſſiſtance in his power. He reminded the Houſe of the extent of the rules of the different priſons, and the opportunities they afforded for fraud and iniquity. The rules of the Fleet extended up a part of the Fleet Market and of Ludgate Hill, and to various adjoining places. The rules of the King's Bench were much more extenſive; they comprehended almoſt all of St. George's Fields, and great part of the Borough. Every man had it in his power to procure his being arreſted, and he might ſay, "I like to live "on Ludgate Hill; I think it the pleaſanteſt part of Lon-"don;" or he might carry on any trade in St. George's Fields, to the amount of many thouſands of pounds, and ſet his creditors at utter defiance, by being able to tell them, "I am in priſon already; I chuſe to live here, and you may "do your worſt, I won't pay you a ſhilling." Nor was it a day rule only that was to be bought; debtors had been permitted to go during a fortnight to Bath and Brighthelmſtone,

or

or wherever they pleased. [illegible]
“ security for the debt, and the debtor's return; [illegible]
“ have I to care?” With regard to the allowance to [illegible], while in prison, being intended to be fixed at 3s. 6d. per week from the creditor, that certainly was the sum with which he meant to propose to fill up the blank in the clause when the bill should be before a Committee.

As the law stood, a debtor was entitled to his groats after execution was entered up; he meant to entitle him to them from his first being sent to jail; and in respect to the size of the sum, it was fixed by a gentleman whom no person could, with justice, suppose as either incompetent to decide upon such an occasion, or devoid of compassion; he meant Mr. Howard. Originally Mr. Howard had named a smaller sum, but on the matter being argued with him, he agreed that a smaller sum would be insufficient, and that three shillings and six pence were enough for a man to subsist upon in a prison, where circumstances necessarily rendered the sort of provisions most eligible, different from those to be desired and expected by men at liberty. The bill also gave the Judges a power of discharging debtors where the discharge would be proper. If it was made to appear to them that a man really could not pay his debts, the Court superintending the particular prison, which might be in question, could say, “ this man is incapable of satisfying his creditors,” and they could let him go out. With regard to the observation of an honourable gentleman, whom he then saw in his place, [Mr, Ord] that the bill ought to have originated in the House of Lords, or to its having been the practice for such bills to originate there, or that it would have been more proper for the Judges to have brought it forward, he begged leave to observe, that the practice had been exactly the reverse. All the bills of a similar nature, which had been introduced, excepting one, originated in the House of Commons. The single instance to the contrary, was the act commonly called the First Lords' Act, which was found to be so defective when brought into practice, the very first year, that it was obliged to be explained and amended the next session, to be altered again by a third bill, and at last to be suffered to expire as a bad, impolitic, and irremediable Act of Parliament. With respect to the assistance of the Judges, a notable instance was at hand, of their readiness to interfere in bills of that nature. In 1728, a noble Lord introduced such a bill, and after much and frequent discussion, an end was put to it, and on the 4th of May, 17[illegible], an order was made in the House of Lords, that the Judges do prepare and bring in a proper bill. Some time elapsed, and the Judges being at length called upon to account for not

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having obeyed the order of the House, they answered by their principal, or head, that they neither had nor could comply with the directions of the House, for that drawing bills was not within their province. They held it to be their duty to explain and administer the laws with equal justice after they were made; but they conceived it to be no part of their duty to interfere in making them. Mr. Burges made the full use of this historical fact, and took notice of the charge of presumption urged against him as a professional man for having introduced such a bill. He said, undoubtedly he had been presumptuous enough to introduce the bill, and he would carry his presumption farther, and endeavour to prevail on a Committee to assist him in rendering the bill practicable. He had been bred to the law, though other pursuits had now changed his habits; but for ten years of his life he had attended to the subject of his bill more closely than perhaps other professional men had an opportunity of doing. He had by degrees acquired a knowledge of the abuses which prevailed to such an extent, as made him determine, as soon as he came into Parliament, to bring forward a bill calculated to correct the evils which had crept into the practice of the laws respecting debtor and creditor; he had introduced the bill with that view three sessions ago; but he was free to confess that his own ideas upon the subject were considerably improved by the parliamentary discussions it had undergone, and he was so satisfied, that the grounds of the present bill were such as could be maintained, that he hoped the House would agree that the bill ought to be referred to a Committee.

Attorney General.

The *Attorney General* observed, that he had continued silent until he had heard the arguments of his honourable friend who spoke last upon the subject in question, because it appeared to him, that every gentleman who introduced a bill, was bound to state his reasons for thinking such a bill necessary before he had a right to expect an answer; and though he was not prepared to controvert or argue upon the cases which he had selected and mentioned, he could not but observe that they might be overcharged in their colouring, and not precisely warrant the description which his honourable friend, with an indisputable purity of motive, had given them. For his part, he conceived that such a bill as the present ought not to originate with a Member of that House. He had no doubt but that all the cases adduced by his honourable friend were well founded; nevertheless, whatever facts the industry of an individual might collect, (that referred to so very important a consideration as the present, which went to the extent of a total change of the law between debtor and creditor, and an alteration of the entire

system

fyftem of the bankrupt laws) he thought them not a becoming ground for the Houfe to proceed upon. It was true that the ancient practice under exifting laws was, that every plaintiff for an action of debt, fhould come with a pledge for profecution of his fuit, and produce two fufficient fecurities for the due performance of all the obligations of the procefs he was about to originate; but it was clear, from the practice having fubfided, that it was found to be pregnant with inconvenience, oppreffion, and injuftice. That Houfe in confidering the law of actions for debt ought not to confine themfelves to their own circle; nor to characters of their own rank. It was the lower order of traders whofe interefts were to be regarded. To fuch men a few pounds might be a more ferious object, and an object of greater difficulty than fome hundreds to others of an eafy fortune and a more elevated fituation in life. In refpect to the firft propofition of the prefent bill, it enacted that every creditor who commenced a fuit for the recovery of a debt, fhould give bail that he would maintain the action, carry it through, and anfwer for the confequences. There were many honeft and worthy individuals to whom it would be a greater difficulty to procure the bail, than it would be a fevere lofs to forfeit and abandon the original debt; and if the bill were to pafs, and the practice which had fo long, for wife reafons, fubfided, were to become refumed, it would grow into the moft flagrant abufe, and the fcandal of Jew bail, which was now in every body's mouth, would be nothing in comparifon to the mifchievous frauds which would predominate. With regard to the bankrupt laws, he admired their principle, though he faw it often abufed, and the practice grounded upon it exceedingly exceptionable; but as to the rules of the refpective prifons he agreed completely, that they required fome regulation. He had more than once had occafion, not in a civil, but in a criminal cafe, to examine that matter with fome attention, and he found that the rules were taken a moft unwarrantable advantage of. On one fide of Ludgate Hill feveral fraudulent and illegal lottery offices were kept open in defiance of law; and a difhoneft debtor, if he chofe it, might live in an elegant country houfe in Surry, and hold his creditors in the moft fovereign contempt. Yet furely, after all, any regulation of fo ferious a nature as that in queftion, ought not to reft on the exertion or authorities produced by any individual, however refpectable. If the Legiflature thought an alteration of the exifting ftatutes refpecting debtor and creditor, and confequently affecting the bankrupt laws, neceffary, it fhould begin with the appointment of the Committee of the whole Houfe, to enquire into

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the [illegible] the jails, and to proceed with all the solemnity of [illegible] forms which belonged to that House of Parliament.

Mr. Burges.

[illegible] *Burges* answered, that there was something so fair and candid in his honourable and learned friend's proposal, and so adviseable, that he was willing to close with it immediately. Such a mode of proceeding was well worth adopting; and at the same time, that he should feel himself relieved in having the responsibility of the measure taken off his shoulders, he should find cause for some degree of triumph on the proof that his labours had ended so auspiciously. In conclusion, Mr Burges observed that, with the consent of the House, he would withdraw his motion.

Mr. Mainwaring.

Mr. *Mainwaring* declared, that he had not the most distant intention of objecting against the honourable and learned gentleman's proposition, but after his remarks respecting the Judges of the Court of Common Pleas, in referring to whom, the honourable and learned gentleman had thought proper to mention his name, he should hold himself unpardonable if he remained silent. If what had fallen from the honourable and learned gentleman, had not been spoken in that House, and under the sanction of the necessary freedom of parliamentary debate, he should have pronounced it the grossest libel on the Judges of the Court of Common Pleas that ever was uttered. With regard to the affair of Sambidge, the Attorney, the case certainly was a case of the most heinous nature; the attorney (Sambidge) was in consequence committed to the Fleet prison, where he remained a considerable time, and interrogatories were put to him, which he answered, and when the evidence on both sides came out before the Court, the whole proved to be so general a scene of deep villainy and complicated guilt, that it was utterly impossible to distinguish to which party the largest share of criminality ought to be ascribed. The counsel on both sides had endeavoured in vain to assist the Court in their desire to come at the truth; but such was the opposition of perjury, (for the grossest perjury must have been committed on one side or the other) that it was not within the scope of human intelligence to develope the mistery, and therefore the Court was obliged to discharge the whole case, without punishing either of the parties for fear they might punish the least guilty, and he believed that Sambidge yet remained a practising attorney of that Court.

Mr. Burges.

Mr. *Burges* replied, that he had nearly adverted to an incontrovertible fact, without meaning to attack the Judges of the Common Pleas particularly. The case, as the honourable gentleman had acknowledged, was a case of extraordinary and complicated guilt. He was justified, therefore, in his assertion, that the Judges of the Court of Common Pleas had

suffered

suffered an attorney, proved to them to be capab[illegible]
iniquitous practice, to continue on the roll of their [illegible]
and in mentioning Mr. Prothonotary Mainwaring [illegible]
merely cited an unquestionable authority.

The *Speaker* observed, that as the motion for reading the bill a second time had been made, the more regular way would be to negative that motion, and then move, "that the bill be read a second time that day three months." — The Speaker.

Mr. Chancellor *Pitt* conceived, that it would make little difference whatever mode of disposing of the bill was adopted. He hoped that no gentleman would object to his honourable and learned friend's withdrawing his motion, after the very handsome and candid manner in which he had consented to change the mode of proceeding. — Mr. Pitt.

Mr. *Taylor* said, that he wished the honourable gentleman as well as the right honourable gentleman did, but he would treat him with less compliment. The bill had been sent round the country as an insolvent bill, when it was in fact no insolvent bill. He knew that it had done infinite mischief in the jails, and therefore the means of disposing of it ought to be such, as should convince every man that there was an end of it. — Mr. Taylor.

Mr. *M. Montague* remarked, that the people in the country would know as fully, that there was an end of the bill, if the motion were suffered to be withdrawn, as if the question were negatived; he hoped, therefore, that no gentleman would be so obstinate as to persist in objecting to the motion being withdrawn. — Mr. M. Montague.

Mr. *Taylor* still persisting in his objection, the question was obliged to be put, and the second reading was then upon motion ordered for that day three months. — Taylor.

The House adjourned.

Friday, 19th February.

Mr. *Flood* observed that, as gentlemen more experienced in the habits and business of that House of Parliament, than he could pretend to be, had thought it necessary to move a call of the House, in order to procure a full attendance on the discussion of the important question relative to the Test and Corporation acts, he should think that he did his intended motion respecting the more adequate representation of the people in Parliament but little justice, if he did not put it off till after the call of the House. He gave notice, therefore, that he intended to bring forward his question on the Thursday after the call, which would be the fourth of the ensuing month of March. — Mr. Flood.

Mr. Chancellor *Pitt*, having moved, "That the Corn "Act of the last session, cap. 58, might be read," and the preamble — Mr. Pitt.

[illegible] ſame having been read by the Clerk, he de-
c[illegible]t it was not his intention to bring forward any ſpe-
c[illegible]poſition himſelf upon the ſubject of the Bill in queſ-
t[illegible] The Houſe would recollect, however, that a Corn Regulation Bill had paſſed laſt year, which, for certain reaſons, was found ineffectual, and government had been obliged to interpoſe, and take ſuch meaſures as the nature of the caſe appeared to them to require, in conſequence of which they had found it neceſſary to apply for the Bill of Indemnity, which paſſed at the commencement of the preſent ſeſſion. What he now ſhould take the liberty of moving for, was merely to refer the ſaid bill of the laſt year to the conſideration of a Committee above ſtairs, who ſhould be empowered to enquire into the ſtate of facts, and make their report to the Houſe. That report would neceſſarily be referred to a Committee of the whole Houſe, who would order a motion to be made for leave to bring in ſuch a Bill, as the facts ſtated in the Report ſhould point out to be moſt proper. Mr. Pitt concluded with moving, "That a Committee be appointed "to conſider of the ſaid Act; and that it be an open Com- "mittee." And the ſame, upon the queſtion being put, was agreed to.

The Marquis of Graham moved the order of the day to be read for the ſecond reading of the Tin Exportation Bill, and the ſame being read,

Mr. Wilbraham. Mr. *Wilbraham* begged leave to remark, whilſt he diſclaimed all intentions of oppoſing the principle of the preſent Bill, or in any ſhape objecting againſt it, that though the meaſure adopted by the Bill, would certainly prove, in ſome degree, beneficial to the Tinners of Cornwall, nevertheleſs the advantage which they would derive from it was, at beſt, but trifling and precarious. Knowing, therefore, that the Tinners were in a ſtate of the greateſt diſtreſs, he could not but wiſh that a more effectual and permanent relief were adminiſtered to them, and nothing could prove more effectual than lowering the duty upon tin exported in general. He flattered himſelf that the noble Marquis would attend, with his uſual humanity, to the miſerable ſituation of the Tinners, and turn it in his mind, whether ſome general alteration of the duty on tin would not be expedient.

Marq. of Graham. The Marquis of *Graham*, having declared that he was rejoiced to perceive that the honourable gentleman did not object to the principle of the preſent bill, nor to any of its clauſes, added that he was pleaſed at being able to inform the honourable gentleman, that the advantage likely to reſult to the Tinners of Cornwall, would not prove ſo trifling as the honourable gentleman imagined. From the information he was in poſſeſſion of, he knew that the Eaſt-India Company

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ny had this year contracted for 800 tons of tin, which was almost the whole surplus in hand, and, the next year, the benefits arising from the bill then under consideration would be felt to a still greater extent, but at any rate the suggestion of the honourable gentleman could not be considered in that stage of the Bill, in which objections to its principle were alone the fit subject for dicussion.

Mr. *Samuel Smith* desired permission to remind the noble Marquis that the African and Turkey Companies were, as much, and indeed more entitled to the favour of that House than the East-India Company. As the law stood, all the tin carried up the Mediterranean into the Levant and to Turkey, paid a high duty, and the quantity of British manufactures of all kinds, taken in those ships, was so great, that it gave the Levant and Turkey merchants a first claim to the consideration of Parliament. He wished, therefore, that tin should be exported up the Mediterranean, at least on as low a duty, as the bill then before them would enable it to be exported to the China market. Mr. Sam. Smith.

The Marquis of *Graham* begged that he, in his turn, might have leave to intimate to the honourable gentleman that what he had suggested would be more proper for discussion in a Committee, than upon the second reading of the Bill. He should, therefore, for the present, drop the subject, by observing that, in his opinion, the merchants trading to the Levant and Turkey, would not be injured by the present Bill. Marq. of Graham.

The House adjourned.

Monday, 22d February.

Sir *John Riggs Miller* prefaced his speech with observing, that as the honourable gentleman who was expected to have been present, for the purpose of making a motion, of which he had given notice, was not come, and the House would probably soon adjourn, and as he wished to offer a few observations on the subject of the late ordnance estimates, he would take that opportunity of saying, he had been, from the very outset, an enemy to the exhausting the revenue, for the purpose of covering this country with fortifications; he had resisted them, regularly and progressively; and he found daily more and more reason to resist and oppose them. He never could suffer that all-devouring monster, the Board of Ordnance, to come, year after year, to Parliament, in a season of profound peace, for a sum of more than 450,000l. to be wasted and squandered away on the idle projects and caprices of any subject of this country, however exalted his rank, however plausible his statements, or dignified his situation. Sir John said, it had been his intention to have Sir J. R. Miller.

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troubled the House with the remarks which he was now about to make to them, upon the bringing up the report of the ordnance estimate; but that had taken place, he believed, contrary to all parliamentary usage or precedent, upon the very same day that the army estimate was voted, and it was brought up and voted after nine o'clock at night; and, after a long and sharp debate, when many Members, of which he was one, had left the House, not imagining that such a violation of usage or decency would be resorted to, to cover from investigation the ordnance projects. Sir John said, he must observe to the House, that the fortifications erecting at this time in our West-India islands, had, he understood, in addition to many other objections to which they lay open, one substantial, essential, and irremediable defect, that of many of them being placed so close to the sea-shore, that an enemy's shipping had the full power of attacking them, with all the force and effect that naval artillery has ever been known to possess over land fortification, when within its reach and bearing. This defect, Sir John said, he himself had already been acquainted with, by some of the first naval and military characters of this country, and he warned the Legislature to enquire into the truth of it, while these works were yet in their infancy, and while it might be remedied and rectified without farther waste of the public money. Undoubtedly, Sir, said he, these works, if at all expedient, should be erected in the interior and least accessible part of these islands, and at a distance from the sea, to enable them to protect themselves from sudden surprise, and to resist an enemy, while there should be any hope of relief. Now, Sir, in respect to Gibraltar, that garrison had, for many years past, been safe, and was always considered to be so, with a garrison of no more than 2400 men, and when its works were less strong and less perfect than they are at present. Where, then, was the necessity for keeping up a garrison of 4000 men in that fortress at present, when 2400 men might be deemed sufficient for its defence? To this the right honourable the Chancellor of the Exchequer replied, upon a late occasion, that the stronger the works, the more men were wanted for their defence. This is a new military maxim with that right honourable gentleman; for I well remember, and I call it to his recollection, and to the recollection of the House, that his great leading and forward argument in defence of the noble Duke's universal fortifying plan about four years since, was, "that an increase of our fortifications would be an economy of our soldiers," that is, that the stronger your works were, the better they could be defended by a small proportion of men. The Master General of the Ordnance, who, I take for granted, is the military preceptor

preceptor of the gentlemen in civil office, has, with a facility of which he is perfectly and happily master, changed and fitted his former military maxims to his present occasions. Another observation I well remember of the right honourable the Chancellor of the Exchequer, in support of those vast military works, which were then rejected by this House, was, that as they were to be carried on, from year to year, and completed as they advanced, whenever a war should happen, so much of them as should then be finished, would supply us with a portion of defence (these were, I believe, his very word) equal to the extent of what was completed of them. Has this been the case? I will here assure the right honourable gentleman, that the exact reverse of all this is now the truth of this business, from my own personal knowledge. Being at Portsmouth, not a great while since, I saw in that district alone not less than five different military projects carrying on at the same moment; and two of them in their very infancy, the fort at Sand Down, and the powder magazine opposite Portsmouth. On the former of these, about four hundred convicts and twenty masons were then at work. I asked the persons who had the care of, and were conducting this work, in what time they could suppose it might be finished, according to the plan which they shewed me, and with the same number of hands, vessels bringing stones, horses, carts, &c. &c. they all agreed, and I asked them separately if they thought so, that it might be finished in twenty years. This is, no doubt, a flattering prospect of expence and defence to this country: more especially, as every naval and military officer with whom I conversed, entertained substantial doubts whether this fort, when erected, would answer any purpose of general defence, and whether it would not weaken, by its necessary garrison for its own defence, the general defence of the dock yard which it was intended to protect. I am seriously sorry, while the fortifying *furor* infects us, to hear that military maxim obtain in the most responsible part of this House, "that the more money we "lay out upon fortifications, the more men we shall want "to defend them." Where this will lead to, it is not difficult to perceive. Now, Sir, as to the wall at Plymouth, which has been heretofore frequently reprehended in this House by a number of each of the neighbouring counties, as well as by the honourable Member for Plymouth, which wall was built at a great public expence, for the sole purpose of supplying the Governor of Plymouth with a handsome and valuable paddock, the inhabitants of the dock complained to Parliament, by their neighbouring representatives, that this wall was useless in point of defence, expensive to the public, and injurious to them. Estimates of its expence

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were called for last year in this House; no estimates could be obtained: the honourable Secretary to the Ordnance informed us, on a former day, that the business was commuted between the Board of Ordnance and the inhabitants of the Dock; and it was commuted by the Board of Ordnance's making a very pleasant road to Fowey, for the inhabitants of the Dock, and also a very pleasant walk for them, and by erecting iron rails in certain places, to restore to them a view of the adjacent country. This may all be very pleasant for the people of Dock, and may be delectably pleasant for the Master General; but where is the pleasure or the profit which it is likely to afford the Public, whose money is lent out in prospects of original folly, and this folly commuted and compensated by subsequent waste and extravagance? This calls to my mind an anecdote of a gentleman of great sway with the grand jury of his county, which gentleman happened to be very fond of stones and mortar, when he could build at any other's expence than his own. He applied to the grand jury for a presentment for money to build a bridge; it was granted; but, when built, the neighbours said this man had put the county to an absurd and foolish expence—he had built a bridge where there was no water and no road. The man was, however, a person not destitute of flights and resources. He applied to a subsequent grand jury for a further sum, which was granted also. With this money he brought water and made a road to his bridge. This settled the whole business to the entire satisfaction of his neighbours. The road was good, the bridge was handsome, the water was ornamental, and all the neighbourhood declared themselves highly pleased with the whole project. The honourable Secretary to the Ordnance said, on a former day, as I understood him, that the wall was to protect something sacred or secret; I do not very well know which of these words he made use of; but nothing of either kind is near it that I have been able to discover. The lines, which I suppose he alluded to, are neither the one nor the other; they are neither sacred nor secret, nor defensible, nor tenable, in the opinion of any man in the kingdom, civil or military; no, not even in that of the Duke himself. They are constantly crumbling away and falling in, and their repair will be a lasting and eternal rent-charge upon this country in time of peace, while, in time of war, they will supply no useful defence to the dock yard. Yet, within these very lines, it has pleased the noble Duke to erect a spacious mansion for the residence of his brother, the Governor of Plymouth; and it should be recollected, that in the memory of man, the residence of all the Governors of that garrison, when put together, in peace as well as in war, has not amounted

amounted to six weeks duration; for this Government is, and has ever been, a complete and absolute sinecure. —Such military governments were, I should suppose, intended to have been, what they unquestionably ought to be, the reward of long, eminent, and distinguished military services, and not the emolumentary sinecures of youth, rank, fortune, and great personal and political connections; they should be devoted to supply the means of consolation and comfort, in the evening of life, to the distinguished veteran, who had risen by long, perilous, and enfeebling services to high military rank, and great military dignities, to enable him to make at least some provision for his family, instead of leaving them behind him in a state of degradation and of penury; an object completely without the reach of the pay of an ordinary regiment, obtained late in life, and bringing with it a necessary and concommitant expence fully equal to its produce. Had such an officer been the present Governor of Plymouth, the nation would have been saved all the expence of this costly house now erecting. He would not have asked for, and if he had, he most certainly would not have been able to have obtained, the erection of a magnificent summer residence *without the walls of his citadel.* But unfortunately, it will be found that the most profitable of these Governments are, and have been, given to men of great birth, title, and fortune, of large parliamentary interest or connections. Of the noble Lord, who is now Governor of Plymouth, I have heard every thing that is good, and nothing but what is good, both in his civil and military character; and the noble Lord will excuse me for saying, that I wish the Government of Plymouth, which I understand is worth in the whole from 16 or 1800l. per annum, was possessed by a man of equal merit, and longer service and more necessity than his Lordship. As to the building itself, it is certainly unnecessary to build a house at a great public expence, for a Governor who never has, and who never may, reside in it; and if a home were necessary, there is one already expressly for the Governor, in the properest place possible—in his citidal, for the repairs of which this House voted last year no less a sum than 3500l. Where should the Governor of a garrison reside, but in his citadel? Does he want a country palace also for a summer residence? or does the noble Duke propose that the Lieutenant Governor only should reside in, and be chargeable with the defence of, the citadel, whilst the Governor is to be exposed to the very first assault of every approaching enemy, uncovered and unprotected, save by those lines only which the noble Duke himself has acknowledged to be untenable, and which, like the walls of Jerico, would tumble down at the first sound of a trumpet?

trumpet? Sir, I have lately seen these lines; I have had the honour of serving His Majesty in a military character, and I am ready to assert, and to maintain, that they are a mockery of military defence; the fishwomen at Plymouth might force them; and as to the *poissardes* of Paris, they would be over them in an instant, and lead the Governor immediately *a la lantern*, if he did not run for cover into his Lieutenant Governor's house in the citadel, or come off to London like one of our Generals in 1746, with the first news of his own defeat. No estimate, however, appears of this great, magnificent, and exposed residence, which is to cost the Public so much money; the loose shape, indeed, in which the Ordnance accounts are laid upon our table, will enable the Master General to build twenty such palaces in due time, without a specific grant of a single farthing for any one of them. A sum exceeding 100,000l. in the ordnance estimate now before us, is charged under those most undefined of all heads and articles—Works, Repairs, and Contingencies. I shall trouble the House with but one remark more, and that is, that very nearly the same fortification plan which was rejected by this House, is now carrying on at the different dock-yards and elsewhere. It is carrying on, indeed, in detail, but it is carrying on with as much expence, and as little benefit to the Public, as that system which met the reprobation of Parliament. And I beseech the House to keep in recollection, that by their confidence in granting to the Board of Ordnance a corps of artificers, for which the Public pay, as charged in the Ordnance estimate now on your table, more than 14,000l. per annum, as well as by the use which that Board occasionally makes of the labour of the convicts, the extreme difficulty which must necessarily attend the future defection of expence in any favourite project, as labour in such charges may be kept completely out of the estimate, through the application of the artificers and convicts to that object, which, coupled with the loose charges of Works, Repairs, and Contingencies, may throw such darkness and obscurity over every specific account and estimate, which may be produced to you, as no arithmetical sagacity can penetrate or dispel.

Sir John Miller concluded with moving, "That an account of the money already expended in building the new house and offices, within the lines of Plymouth, for the residence of the Governor of that garrison, together with an estimate of the future expence necessary to complete and furnish the said house, offices, &c. exclusive of the labour of the corps of artificers on the same, be laid before the House."

The motion was seconded by Captain Macbride.

Captain Berkeley.

Captain *Berkeley* (Surveyor General of the Ordnance) obſerved, that on the preſent occaſion it would, he ſhould conceive, prove quite ſufficient, if, without treſpaſſing upon the time and patience of the Houſe, he briefly anſwered, that whenſoever the honourable Baronet choſe carefully and thoroughly to conſult the Ordnance Eſtimate for the year 1783, which he held in his hand, the honourable Baronet would find that there was an expreſs charge, which had been voted in the Committee of Supply, and confirmed afterwards by a vote of the Houſe, of 2000l. for building a new reſidence for the Governor of Plymouth. As to the latter part of the honourable Baronet's ſpeech, he muſt beg leave to obſerve, that he felt himſelf abſolutely at a loſs to underſtand its meaning.

Sir George Collier.

Sir *George Collier* remarked, that as the honourable Baronet, in the courſe of his ſpeech, had adverted to the expences of fortifying Gibraltar, he wiſhed to ſay a word or two on that ſubject——

The Speaker.

The *Speaker* reminded Sir George, that the motion referred merely to the building of the Governor's houſe at Plymouth, and therefore, any matter relative to Gibraltar would not be pertinent.

Sir George Collier.

Sir *George Collier* anſwered, that he meant merely to ſpeak with reference to the works at Gibraltar, and to their expence, but that he had nothing to ſay to the ſubject of the ordnance expenditure at Plymouth.

The queſtion was then put, and loſt, without a diviſion.

The Houſe adjourned.

Tueſday, 23d February.

Mr. Adam preferred a petition from the manufacturers of ſnuff and tobacco at Glaſgow, ſtating that the Tobacco act of the laſt ſeſſion, notwithſtanding the alterations made by His Majeſty's Miniſters, had proved oppreſſive in its operation, and highly injurious to the intereſts of the manufacturers of ſnuff and tobacco; and therefore they prayed for a repeal of the act, with a view to further amendments.

The Speaker.

The *Speaker* now roſe, and begged leave to intimate to the Houſe, that an informality appeared in the language of the petition. It alledged, that His Majeſty's Miniſters had made alterations in the bill, which was a ſtatement altogether unuſual, every amendment made in the bill being clearly the amendment of the Houſe.

Mr. Adam.

Mr. *Adam* contended, that the whole ſenſe of the ſeparate parts of the ſentence in queſtion ought to be taken together; and that though the petition ſtated that His Majeſty's Miniſters had made alterations favourable to the tobacco and ſnuff manufacturers, it ſaid afterwards that the bill ſo amended

had paffed. He hoped, therefore, although the petition was not drawn with the accuracy which perfons living nearer that Houfe would have adopted, allowance would be made for the diftance at which the petitioners refided, and their want of acquaintance with parliamentary forms.

Marq. of Graham. The Marquis of *Graham* obferved, that whilft he could not withhold his applaufe from the right honourable gentleman (the Speaker) on account of the propriety and correctnefs with which the he had adverted to the regular forms of the Houfe, he ftill flattered himfelf that the Houfe would, with their wonted indulgence, grant every poffible relief to the petitioners. He, therefore, propofed that the petition fhould be read again, that the Houfe might fully underftand its tendency.

Sir Wm. Younge. Sir *William Younge* thought the informality amounted to a ferious and fatal objection, and therefore held himfelf indifpenfably bound to refift it, as likely to prove a dangerous innovation, by making the conduct of individual Members of the Houfe a ground of petition.

Mr. Sheridan. Mr. *Sheridan* admitted that the language of the petition was not ftrictly formal and accurate, but as the petitioners had fallen into their error inadvertently, he trufted that Houfe would not treat them with unneceffary rigor.

Sir James Johnftone. Sir *James Johnftone* acknowledged that the whole Houfe was indebted to the Speaker for his attention; but he trufted there was not a gentleman in the Houfe who would refufe the petitioners the indulgence of having their petition lie on the table.

Mr. Adam. Mr. *Adam* by no means wifhed to impofe any petition upon the Houfe, that appeared to be fo informally drawn, as to be ferioufly objectionable. If, therefore, the Houfe thought the conftruction which he had put upon the allegation overftrained, he was exceedingly willing to withdraw the petition.

The petition was accordingly withdrawn, and it was agreed, that not any notice fhould be taken of it in the printed votes of the Houfe.

Mr. Wilberforce moved an inftruction to the Slave-trade Committee, and this motion being carried, leave, in confequence was given to the Committee to examine Captain Hall, Mr. Falconbridge, and Mr. Wilfon, whenever to the Committee it fhall feem fit, it having been underftood that thofe gentlemen were under the neceffity of leaving the kingdom in a fhort time.

Lord Penrhyn. Lord *Penrhyn* obferved, that the petitioners againft the abolition of the flave trade were extremely anxious to bring the main queftion as foon as poffible to the decifion of the Houfe. The prefent motion might, in its confequences,

occafion

occasion much delay; he wished, therefore, to know what number of witnesses were intended to be examinded in the manner referred to in the motion?

Mr. *Wilberforce* answered, that he knew not of more than the three witnesses specified in the motion; and that no gentleman could feel a greater desire than himself to accelerate the business of the Committee, and bring it to a conclusion. He chearfully gave up his whole time to the examination of evidence, being the first to attend the Committee, and the last to leave it every day. Mr. Wilberforce.

The motion passed.

Mr. *Jolliffe* said, that as the object of the bill he meant to move for leave to bring in, was well known to the House, he would not, in so thin an attendance, trouble gentlemen with any argument or explanation respecting it, but content himself with moving for leave to bring in the bill, not doubting but the House would improve it by various amendments. He accordingly moved, "That leave be given to bring in a "bill to improve the cultivation of the commonable lands "within that part of Great Britain called England." Leave, upon the question being put, was given by the House, and Mr. Jolliffe and others directed to bring it in. Mr. Jolliffe.

Mr. *Duncombe* approved of the principle of the bill, and therefore would not oppose its being brought in; but he had his doubts as to the propriety of its clauses, with respect to the obtainment of the aim which the bill avowed to be its principle. and therefore he might possibly oppose it at the second reading. Mr. Duncombe.

Mr. *Jolliffe* answered, that the principle of the bill was to make a law for the more easy and practicable cultivation of the commonable lands of the kingdom. If the honourable gentleman, therefore, approved of the principle of the bill, his objections, whatever they might be, had better be offered in the Committee, when the clauses should fall under their investigation. Mr. Jolliffe.

Leave was given to bring in the bill.

The House adjourned.

No debate occurred from this time until

Friday, 26th February.

Mr. *Rushworth* rose, and begged leave to remind the House, that almost at the conclusion of the preceding session, a bill had been introduced, which, among a variety of other clauses, contained several for relieving vessels sailing between Southampton, Cowes, and Portsmouth, from being obliged to take out cockets and bonds. That bill had received the assent of the House of Commons, but, for reasons of a peculiar nature, was thrown out by the House of Lords. For the Mr. Rushworth.

the purpoſe, therefore, of reviving it in a ſhape not liable to objections, he ſhould move, "That this Houſe will immediately reſolve itſelf into a Committee of the whole Houſe, "to conſider of permitting a bill for reviving an act, made "in the [illegible] year of his preſent Majeſty, to permit the removal of ſheep from the port of Southampton and Portſmouth to Cowes, and for permitting the removing of ſheep "and lambs, and all goods not liable to duty on exportation, "or prohibited to be exported, (between the ſaid ports reſpectively) without cocket or bond, under certain regulations "[illegible]."

He concluded with formally making his motion.

Mr. Wilberforce.

Mr. Wilberforce ſtated, that if the reſult of reſolving themſelves into a Committee ſhould be the introduction of a bill, for the purpoſes deſcribed in the motion, the honourable gentleman would allow ſufficient time for the Houſe to conſider deliberately of its extent and importance, and to prepare themſelves for a full and candid inveſtigation of its merits.

Mr. Roſe.

Mr. *Roſe* acknowledged that it might appear extraordinary that he, who had been the perſon to introduce the bill of the laſt ſeſſion, in which the object of the honourable gentleman's intended bill was included, ſhould now object againſt its being referred to a Committee; but gentlemen would recollect, that when he laſt year introduced the bill, he had expreſsly ſtated, that the part of the bill which related to the purpoſe of exempting the ſhips ſailing between Southampton, Cowes, and Portſmouth, from the neceſſity of taking cockets or bonds, was meant merely as a temporary expedient; that Government had it in contemplation to frame a general law on the ſubject, adapted to the equal claims of every port on the coaſts of the kingdom, and that whenever ſuch a general bill ſhould be ready to be ſubmitted to the conſideration of the Houſe, the bill he had laſt year moved for, would no longer be neceſſary. He had ſome days ſince had the honour of moving for, and afterwards preſenting, ſeveral papers to the Houſe, which were ſubmitted to their conſideration as fit grounds for ſuch a bill as he had adverted to, and in a week or two at furtheſt he ſhould be ready to move for leave to bring in a bill of the general nature that he had deſcribed. Any bill, therefore, calculated to afford a local accommodation, would, under the circumſtances he had deſcribed, he conceived, appear to be totally unneceſſary. If the main object of the preſent motion, that of the removal of ſheep and lambs, ſhould, upon diſcuſſion, appear to be a neceſſary relief to the Iſle of Wight, it might eaſily be introduced by a ſpecial clauſe in the general bill; but he ſaw no reaſon whatever to warrant the neceſſity for the introduction of a ſeparate bill upon the ſubject. He could not ſit down, without obſerving,

serving, that it was rather extraordinary that any bill whatever, the object of which avowedly was to take off certain duties, should be introduced into that House, without some communication, either private or public, with His Majesty's servants, or those from whom such bills generally originated.

Mr. Rushworth. Mr. *Rushworth* expressed his astonishment that his motion should meet with any opposition, especially from such a quarter. Last session, the honourable gentleman had himself introduced a bill, containing certain clauses, calculated to obtain the very object he now aimed at, mixed with clauses to alter the duty on cocoa nuts, clauses relative to tub-bottomed boats, and a deal of other stuff, which rendered the bill altogether so perplexed and complicated, that it was impossible for the House clearly to comprehend the clauses to which he now meant to confine his bill. The bill he meant to move in the Committee for leave to bring in, was merely a simple, plain, intelligible bill, adapted to a single object; and he appealed to the House, whether he was not warranted to presume that those with whom the bill of the last year had originated, would this session not be adverse to the renewal of a proposition which they themselves had, in the first instance, brought forward.

Mr. H. Browne. Mr. *Hawkins Browne* declared, that he should always consider it as an invariable duty to oppose any bill calculated to give a partial and local indulgence. He had been instructed by his constituents to resist any such application as the present, as they, in the navigation of the Severn, experienced equal if not greater evils. Had he not been thus fortified with objections, he should have thought himself bound to oppose the bill, after having heard that Government had prepared a bill, calculated to give general relief upon its professed and avowed subject to all the ports in the kingdom.

Mr. Rushworth. Mr. *Rushworth* contended that the reason which entitled the Isle of Wight to claim a peculiar indulgence from Parliament, in the case in question, was its insular situation, which rendered it an object of peculiar consideration. The Isle of Wight was a part of the county of Hants, and from its separation by sea from the rest of the country, could not enjoy those benefits in which any inland parts, only seven miles distant from each other, could participate. In fair reasoning, therefore, would any man say, that such an advantage as the law, as it stood at present, gave, ought to be taken of a part of a county, deprived by nature and situation of the benefit of land carriage; an advantage which all the rest of the kingdom enjoyed?

Upon the question being put, the House divided,

Ayes,

Ayes, Mr. Rushworth; Noes, 59, the whole of the House, Mr. Rushworth excepted.

The order of the day having been read, for the House to resolve itself into a Committee on the Tin Exportation bill, Mr. Gilbert took the chair.

Mr. Wilbraham.

Mr. *Wilbraham* professed himself happy to have heard, when the subject was last under discussion, that the bill, though professedly a bill of experiment, was likely to prove successful in its object. Nevertheless, as the success of it was precarious, and as it was possible that it might fail, as a bill of the same kind, which had passed many years since, had done, although he confessed he thought there was reasonable ground for expectation to the contrary; he hoped, if such unfortunately should be the case, the noble Marquis, and the other honourable gentlemen with whom he was connected in office, would turn their minds towards the means of affording some substantial relief to the county of Cornwall in the case in question.

The bill was amended, and went through the Committee.

The House adjourned.

Monday, 1st March.

Mr. Hopkins having moved the necessary resolutions on the navy estimates,

Sir Grey Cooper.

Sir *Grey Cooper* desired to know the difference between the estimates of the present year, and those of the former?

Mr. Hopkins.

Mr. *Hopkins* answered, that the present were less than the former by about 95,000l.

Sir Grey Cooper.

Sir *Grey Cooper* now observed, that the navy debt had increased, in the course of the last year, to a degree unparalleled in times of peace, and had rendered the decrease in the navy estimates of no avail to the Public, that being but 95,000l. while the increase of debt, in the same time, was upwards of 205,000l. leaving an excess of 110,000l. At present, Sir Grey added, he should decline making any farther remark, leaving the increase of the debt to be accounted for by gentlemen on the opposite side of the House.

The resolutions were then put, and agreed to; after which the House was resumed.

Mr. Chancellor Pitt rose, and moved, "That the House "be now called over."

Lord Penrhyn.

Lord *Penrhyn* desired that he might be permitted to fix the attention of the House upon the very important question which was soon to be brought before them relative to the slave trade, and as he earnestly wished for a full attendance whenever that question should come under consideration, he submitted it to the right honourable gentleman, and to the House, whether it would not be right to secure such an attendance,

ance, by deferring the call to a future day. By the proceedings of the Committee above ſtairs, he did not believe that the queſtion could be brought before the Houſe ſo early as Eaſter, if in the courſe of the ſeſſion; and therefore it ſhould ſeem that the call might, with great propriety, be deferred until Eaſter.

Mr. Chancellor *Pitt* anſwered, that he was averſe to the call of the Houſe being deferred; the Houſe had been ordered to be called over previous to the diſcuſſion of a queſtion of great importance, and he conceived that the paſſing over the call would be trifling with one of the moſt ſolemn meaſures of the Houſe. He wiſhed not to give gentlemen unneceſſary trouble; the preſent call was the firſt he had ever moved; he had moved it on an important occaſion, and ſhould be ſorry, though he would not oppoſe the ſenſe of the Houſe, if it were paſſed over. To ſecure the attendance wiſhed by the noble Lord on the queſtion of the ſlave trade, there were two modes which might be adopted, either of which would anſwer the purpoſe, and, in his opinion, be leſs exceptionable than deferring the call; the firſt was to move for a ſecond call, to which he believed the Houſe would not object; and the ſecond, to move for an order of the Houſe compelling the attendance of Members in town. Mr. Pitt.

The queſtion was then put and agreed to, and the call was proceeded with.

The Houſe adjourned.

Tueſday, 2d March.

Mr. *Fox*, agreeable to the notice he had given, roſe, when called upon from the Chair, to make his intended motion for the repeal of the Teſt and Corporation acts. He requeſted the act of the 15th of Charles II. for the well governing and regulating of Corporations, &c., as well as the act of the 25th of the ſame reign, for the prevention of danger from Popiſh recuſants, &c. might be ſeverally read by the clerk. Mr. Fox then obſerved, that as the queſtion he was about to ſubmit to the conſideration of the Houſe that day, had excited ſuch great and general expectation, as well in that Houſe, as in the country at large, he held it his indiſpenſable duty to ſtate the reaſons which induced him, on the preſent occaſion, to move the queſtion, which, in two former ſeſſions, had been brought forward by another honourable gentleman, and had been ſo ably argued and ſo amply diſcuſſed by the Houſe. He was confident, the cauſe, of which he ſtood that day the advocate, had better have remained in the hands to which it had been entruſted on former occaſions: he, however, aſſured the Houſe, that he did not obtrude himſelf upon thoſe moſt intereſted in the ſucceſs of the motion; Mr. Fox.

nor was he under any particular obligations to the parties who confidered themfelves aggrieved and oppreffed by the acts in queftion; yet regarding their caufe as the caufe of liberty and truth, to which he fhould ever profefs the moft unalienable attachment, he did not hefitate to ftand forward the advocate of civil and religious liberty, even in favour of men, who had, on different occafions, acted hoftilely towards him. It afforded him, however, a matter of triumph and exultation to obferve that, though in former times he had not enjoyed much of the confidence of that defcription of men who were the object of his motion; yet, his vanity was not a little flattered, by the good opinion they muft now entertain of him, whom they had folicited with fuch importunity to conduct the management of their caufe, notwithftanding their former difference of political opinions. The prefent was the period which demanded of public men a free and candid explanation of their political fentiments. In confidering the cafe of the Diffenters, the firft argument which naturally prefented itfelf, was that fpirit of intolerance and perfecution which dictated the oppreffive acts, the prefent fubject of grievance and complaint. He conceived it utterly impoffible to view any fpecies of perfecution, whether civil or religious, without horror and deteftation; and therefore, the proceedings of a neighbouring nation, in regard to that part of their conftitution, were fo far, in his opinion, from being a fubject of cenfure, as to merit the efteem and applaufe of a great people; who were inveftigating the firft principles with a view to fecure the rights of men, and were wifely applying them to the abolition of that fpirit of perfecution and intolerance which had, for a long period, difgraced their Government. Were we to recur to firft principles, and obferve the progrefs of the Chriftian religion, in the firft ftages of its propagation, we fhould perceive that no vice, evil, or detriment, had ever fprung from toleration. Perfecution had always been a fertile fource of much evil; perfidy, cruelty, and murder had often been the confequence of intolerant principles. The maffacres at Paris, the martyrdoms of Smithfield, and the executions of the Inquifition, were among the many horrid and deteftable crimes which had, at different times, originated folely from perfecution. To fuppofe a man wicked or immoral, merely on account of any difference of religious opinion, was as falfe as it was abfurd; yet this was the original principle of perfecution. Morality was thought to be moft effectually enforced and propagated, by infifting on a general unity of religious fentiments; the dogmas of men in power were to be fubftituted in the room of every other religious opinion, as it might beft anfwer the ends of policy and ambition: it proceeded entirely on

on this grand fundamental error—that one man could better judge of the religious opinion of another than the man himself could. Upon this absurd principle, persecution might be consistent; but in this, it resembled madness; the characteristic of which was, acting consistently upon wrong principles. The doctrines of Christianity might have been expected to possess sufficient influence to counteract this great error; but the reverse had proved to be the case. Torture and death had been the auxiliaries of persecution—the grand engines used in support of one particular system of religious opinion, to the extermination of every other. Toleration proceeded on the direct contrary principles. Its doctrines, he was sorry to say, even in this enlightened age, were but of a modern date in any part of the world. Before the reign of King William, it had not a footing in England. The celebrated act of Toleration of that reign, notwithstanding the boasted liberality of its principle, was narrow,* confined, and incomplete. What was it, but a toleration of thirty-four articles out of thirty-nine, prescribed as the standard of belief in matters of religion? Was any tolerated, who did not subscribe to the thirty-four articles in question? No. Strict and implicit conformity to these was enjoined on accepting any civil employment. Persecution, indeed, originally might be allowed to proceed on this principle of kindness—to promote an unity of religious opinion, and to prevent error in the important matters of Christian belief. But did persecution ever succeed in this humane and truly charitable design? Never. Toleration, on the other hand, was founded on the broad and liberal basis of reason and philosophy. It consisted in a just diffidence of our own particular opinion, and recommended universal charity and forbearance to the world around us. The true friend of toleration ought never to impute evil intentions to another, whose opinions might, in his apprehension, be attended with dangerous consequences. The man professing such opinions, might not be aware of any evil attached to his principles; and therefore, to ascribe to such a person any hostile intention, when his opinions only might be liable to exception, was but the height of illiberality and uncharitableness. Thus, much obloquy and unfounded calumny had been used to asperse the character of the Roman Catholics, on account of the supposed tendency of their religious tenets to the commission of murder, treason, and every other species of horrid crimes, from a principle of conscience! What was this, but a base imputation of evil intentions, from the uncharitable opinions entertained of that profession as a sect? He lamented their errors; rejected their opinions, which appeared dangerous; was ready to confide in their good professions; and

and was willing to appeal to the experience of this enlightened age, if they had not been accused unjustly, and condemned uncharitably. For, would any man say, that every duty of morality was not practised in, those countries in which the Roman Catholic religion was established and professed? Would it not be an imputation as palpably false, as it would be illiberal, for any one to utter such a foul, unmerited, and indiscriminate calumny? But this was always the haughty, arrogant, and illiberal language of persecution, which led men to judge uncharitably, and to act with bitter intolerance. Persecution always said, "I know the consequences "of your opinion better than you know them yourselves." But the language of Toleration was always amicable, liberal, and just; it confessed its doubts, and acknowledged its ignorance. It said, "Though I dislike your opinions, because "I think them dangerous, yet, since you profess such opi-"nions, I will not believe you can think such dangerous in-"ferences flow from them, which strike my attention so "forcibly." This was truly a just and legitimate mode of reasoning, always less liable to error, and more adapted to human affairs. When we argued *à posteriori*, judging from the fruit to the tree, from the effect to the cause, we were not so subject to deviate into error and falsehood, as when we pursued the contrary method of argument. Yet persecution had always reasoned from cause to effect, from opinion to action, which proved generally erroneous; while toleration led us invariably to form just conclusions, by judging from actions and not from opinions. Hence every political and religious test were extremely absurd; and the only test, in his opinion, to be adopted, ought to be a man's actions. He had the most perfect conviction, that test laws had nothing to do with civil affairs. A view of civil society throughout the world, must convince every reasonable person, that speculative opinions in religion had little or no influence upon the moral conduct; without which, all religion were vain. Such was the great absurdity of the present test laws, that a man who favoured arbitrary power in his sentiments; who should consider the abolition of trial by jury as no violation of liberty; nor the invasion of the freedom and law of Parliament any infraction of the constitution; yet such a man, in defiance of the present test laws, might easily pave his way to the very first situations in the State. There was no political test to bind him: the custom of the country had deservedly exploded such absurd restraints. No alarm was excited by political speculations: the law considered no man's opinions either hostile or injurious to the State, until such opinions were reduced into action. Then, and then only, was the law armed with competent authority

to

to punish the offender. Should it be argued, that certain re-ligious opinions might indirectly affect the constitution of the established church, were all sects admitted alike to hold civil employments, without conforming to the test laws, he should contend, that the constitution was equally in danger from civil opinions. Every Member of Parliament was required to declare his dissent to the doctrine of transubstantiation; but was the speculative opinion of any Member of the House any consideration to his constituents? Did they think it of any consequence whether or not he believed in the real Presence? whether he was a Trinitarian, an Unitarian, or an Anabaptist? Certainly not. For whatever a man's opinions might be, he would repeat his former affirmation, that no harm could possibly arise from them to the State, unless they should be brought into action; and then they certainly would become objects of punishment. To exclude any description of men, therefore, from a participation of the common rights which their fellow-citizens enjoyed, was highly unjust and oppressive; unless it were contended that religious opinions ought to be taken as the criterion of political principles. But to judge of morals from opinion, was always a fallacious mode of reasoning. The House, he trusted, would never abandon general and fundamental principles, on the ground of partiality. They should judge of men not from the imputations of their adversaries, but from their own conduct. The object of the test laws, at first, had been to exclude anti-monarchial men from civil offices; but he would ever reprobate such a procedure; it was acting under false pretences; its tendency led to hypocrisy, and served as a restraint upon the good and conscientious only. Instead of a formal and direct oath of allegiance, there was an indirect, political test resorted to, by means of a religious test; although the obligation of all direct political tests had been justly exploded by the practice of the country. Why not have proposed a monarchial test at once? It would have answered the end by far more effectually than the present test; for the test now given, went only to guess at a man's opinion: it might admit those whose political sentiments might be inimical to the constitution, while it operated directly against others who were amongst its staunchest friends. Such was the absurdity, injustice, and oppression of the present test laws, that he sincerely hoped every friend of toleration, every advocate of Christian charity, would join with him that day in reprobating measures which were the disgrace of a free Government. He should decline all minute detail of the loyalty and good conduct of the Dissenters from the Revolution to the present period, as he wished all merit and demerit to be put entirely out of the question. Supposing, indeed,

indeed, demerit had existed, it would by no means follow, that the test laws ought to be continued in force, since they operated to the prejudice of the civil rights of a body of men. A report had been but too successfully propagated, he verily believed, with an intention to separate individuals from the cause they had espoused. It was a mean and unfair attempt; it led to the worst species of persecution; and he sincerely hoped, no real friend to toleration would ever countenance it: for it went so far as to disapprove of a whole body, on account of the conduct of individuals, who formed a part only of that body. The opinions of another, in matters of religion, ought always to be supposed to be founded on good intentions. As unjustly would it be to deprive a single individual, whose conduct had always been meritorious, of any of his civil rights, on account of any exceptionable conduct in the general body to which he belonged. All merit or demerit, therefore, in the body of Dissenters was quite out of the question; and the House had only to decide on general principles. Indisposed, however, as he was, to allow merit or demerit any weight in the discussion of the present question, yet he could not forbear observing, that the conduct of the Dissenters had not only been unexceptionable, but also highly meritorious. They had deserved well of their country. When plots had been concerted, combinations formed, and insurrections raised against the State; when the whole country was in a state of alarm, distraction, and trouble; when the constitution, both ecclesiastical and civil, was in immediate danger of subversion; when the Monarch trembled for the safety of his throne, crown, and dignity, the Dissenters, instead of being concerned in the dangerous machinations forming against the Government, proved themselves, in the hour of peril and emergency, the firmest support of the State. During the rebellions of 1715 and 1745, they cheerfully had exposed their persons, lives, and property, in defence of their King and country; and by their noble exertions, our enemies were defeated, our constitution preserved, and the Brunswick family continued in possession of the throne. They were then, as they are now, incapacitated from holding commissions, civil or military, in the service of their country. Did they plead their incapacity, and the penalties to which they were subject? No: they freely drew their swords; they nobly transgressed the laws which proscribed them; and successfully fought the battles of our constitution. For this gallant behaviour, all the retribution they ever obtained, was an act of indemnity—a pardon for doing their duty as good citizens, in rescuing their country in the hour of danger and distress. Such were the absurdities of the laws framed on the monstrous principles

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of persecution, which extend equally to the commissioned officers of the army and navy, of the established church of Scotland; who are obliged, under the penalty of fine and deprivation of their civil rights as citizens, as much as the Dissenters, to conform to the Test laws. Though the generosity of the British Parliament had been conspicuous in pardoning the Dissenters for their illegal display of bravery and loyalty, in the season of emergence and apprehension, yet the officers belonging to the church of Scotland had not experienced the same indulgence; no act of indemnity had been passed in their favour. The test laws, indeed, were not put in force against them; yet they were liable to penalties and incapacities, in consequence of their acceptance of their respective civil offices. The House ought to relieve those men, to whom they were so much indebted, from the degrading necessity of receiving pardon for their meritorious services as good subjects and citizens. The Irish had set us a noble example of liberality and generosity, by their vote in declaring every man who should prosecute a Dissenter for his services, an enemy to his country, and a Jacobite. By the repeal of the test laws, what could there be to dread? Would we fear the Pope or Pretender? Would the apprehension of a civil or foreign war be the necessary consequence? King William, in one of his speeches from the throne, expressed a wish to employ Dissenters of every denomination in the service of the country. Every Prince of the line of Brunswick had cordially concurred in the same generous desire with that Monarch. Now was the properest moment to exercise such liberality as a complete toleration required. The conduct of the Dissenters had been uniformly peaceable; the State had nothing to apprehend either from their disloyalty or ambition. He wished he could say as much of all other sects. The High Church party, which had happily been dormant for a great number of years, was now reviving; it had not been dead, as he had hoped, but had only for a time, it seems, lain asleep. Their constant cry had ever been, "The Church is in danger!" He was sorry to observe some dignitaries of the Church, men of distinguished talents, whom he held in great respect, join in the absurd alarm, and express their affected and chimerical apprehension of danger upon the present occasion. Were there not many avowed Dissenters both in that and the other House of Parliament? Yet no danger was ever entertained from that circumstance to the constitution. "But," say the party, "if "you make a Dissenter an Exciseman, there will be danger." The High Church party were, in the general, Jacobites; the avowed advocates of the doctrines of passive obedience and non-resistance. This reminded him of what Dean Swift had

 said,

said, in his usual spirit of sarcasm, "That though every "whig might not be an infidel, yet he was sure every in-"fidel was a whig." So with much more truth it might be said, "Though every High Churchman might not be a "Jacobite, yet every Jacobite most certainly was a High "Churchman." While this party were hostile to the reigning Family; were active in exciting tumults, insurrections, and rebellions, the Dissenters had distinguished themselves as good, peaceable, faithful, and loyal subjects. Yet the party are allowed, in this enlightened age, again to found their false alarm, to repeat their senseless cry of the church being in danger. The sentiments of Hoadley, and other dignitaries of his time, he had thought sufficient to make the clergy forget their dull and idle cant, by convincing them of the absurdity of all religious tests. Danger was apprehended to the church, from the supine indolence of the Clergy, and the superior activity and zeal of the Dissenters in the discharge of the duties of their sacred functions. To fetter the Dissenters with penalties and incapacities, on account of the remissness of the established Clergy, was a measure replete with cruelty, absurdity, and injustice; it went upon the principles of making one man suffer for the neglect of another. He ridiculed every idea of danger to the Church from a repeal of the Test laws. The Dissenters were less numerous as a body; had little or no power, when compared with the authority and affluence of the Church. He was sorry to observe Bishops, Deans, Prebends, and other dignitaries of the Church, who were in possession of great landed estates, and splendid establishments, so ready to stand forward the avowed advocates of oppression and persecution, under the false pretence of danger! Whence could the danger arise? He defied any one to prove it. At the Union, two churches had been established in different parts of Great Britain. He would ever commend the enlightened policy of that time, which allowed both the kirk in Scotland and the hierarchy in England to be religions equally true. The episcopalians in Scotland had an equal right with the members of the kirk to the acceptance and enjoyment of civil offices. There existed no religious test in Scotland; there was therefore no act of indemnity necessary to justify the episcopalians for their patriotic services during the rebellions. From the conduct of the kirk, it could not be argued, that those whose religious principles were at variance with the creed of the English hierarchy, were enemies to toleration. The Dissenters were said to be always strenuous advocates for toleration, when out of power, but were capable of great intolerance, when in possession of authority. Was this the fact? Quite otherwise. In America, what was their conduct? They

were

were in full possession of power; but were they at all intolerant? No. So far from it, that universal toleration prevailed throughout every province, without any disadvantage to the government of the States. Notwithstanding the greatest diversity of religious opinions, yet the most cordial unanimity prevailed in all their civil operations. In Ireland, too, the test had been repealed for years, and the Church had been in no danger, though surrounded by Dissenters in an infinitely greater proportion than in this country. If, therefore, the Church of Ireland, under such disproportion of numbers, had so long existed, without danger from the repeal of the Test laws; and if the kirk of Scotland, with little power and influence, had done the same, was it not absurd in the extreme to say that the established Church of England, with all its power, wealth, and numbers, could not do the same thing, without endangering its existence? Such fears, he would repeat, were idle and chimerical, asserted only, in his opinion, for the purposes of oppression. With regard to the Church itself, he highly approved of its discipline and abstract duties; it had wisely avoided all that was superstitious, and retained what appeared to him to be essential. He therefore admired and revered it, and declared himself firmly attached to it: but of the individuals that composed it, he must say of them, as of all other public bodies, that while he highly respected some, there might be others who could have no claim to his regard. They, no doubt, were a mixture of good and bad; he must, however, strongly object to the Church, whenever it presumed to act as a party; its interference in politics had been always mischievous, and often dangerous to the constitution. The Church, as a party, was a formidable body; it had formerly, as now, used the powerful engine of their real or pretended fear, which, in the hands of tyrants, had ever proved the signal of oppression. The Church had long taken the lead in the cause of Jacobitism, and in the reign of Queen Anne had been active in the instigation of tumults and confusion, in support of the doctrines of arbitrary power. He ever should be a decided friend to an established religion, but it should be an establishment founded on the opinions of the majority of the people. The truth of religion was not a subject for the discussion of Parliament; their duty only was to sanction that which was most universally approved, and to allow it the emoluments of the State. A conviction of the reasonableness of such a procedure, dictated so much liberality in the religious establishments at the Union, as well as the more recent establishment of the Roman Catholic religion in Canada. Innovations were said to be dangerous at all times, but particularly so now by the situation of affairs in France. But the hopes

of the Diffenters were not founded upon the moft diftant reference to the tranfactions which had taken place in that kingdom. Their application to the Houfe, on the prefent fubject, had been made three years ago, when the moft fagacious among them could not form any thing like a conjecture of what has fince happened in that country. Yet he faw no reafon but the example of France ought to have its influence; the Church there was now fuffering for its former intolerance. However he might rejoice in the emancipation of near thirty millions of his fellow creatures, and in the fpirit which gave rife to the Revolution; yet he was free to own there were fome acts of the new Government which he could not applaud. The fummary and indifcriminate forfeiture of the property of the Church came under this defcription. But the violence of this proceeding might, in fome meafure, be attributed to former ecclafiaftical oppreffions; and, in particular, to the impolitic revocation of the edict of Nantes. The conftitution, both civil and ecclefiaftical, previoufly to this period, had remained unmolefted and unimpaired; there exifted no teft; Proteftants and Catholics were indifcriminately admitted into civil and military offices: but by that rafh meafure, liberality and toleration were thrown away; the arts and manufactures were driven into other countries, to flourifh in a more genial foil and under a milder form of Government. This fhould ferve as a caution to the Church of England; perfecution may prevail for a time, but it generally terminates in the punifhment of its abettors. He obferved, that the Church had owed its exiftence to a rational innovation, and the conftitution had derived much of its excellence and beauty from the fame fource; the Reformation had eftablifhed the one, and the Revolution the other. The nature of Monarchy was fuch, as to require an occafional renovation of the people's rights, to prevent encroachments. It was the opinion of Mr. Hume, to whofe talents, as a philofopher, he paid juft deference, that Monarchy would foon become abfolute, if not fubject to frequent innovations. But what was the innovation which was now fo much dreaded? Was it an attack on Magna Charta, or the Bill of Rights? No; it was only the fimple repeal of an act of Charles II. which the Parliament paffed out of compliment to the King, in the overflowing effufion of their loyalty, at the conclufion of the civil war. The Corporation act went to exclude Diffenters whofe political fentiments were confidered as antimonarchial; and the Teft act was intended to operate againft the Roman Catholics. He fhould ever reprobate fuch acts as the pillars of the conftitution. What! was any fpecific mode of adminiftering the Lord's Supper, to be confidered as the corner-ftone of the conftitution? A conftitution with

such a rotten foundation, was, in his opinion, not worth preserving. The leading feature of true religion, he had always—understood to be charity. When he viewed the Church, and saw Churchmen discovering a spirit directly opposite to that religion they professed, he must consider them as men who were ambitious of a monopoly of power, under the mask of an affected apprehension of danger. The Christian religion breathed nothing but charity and forbearance; it was neither taught originally to Kings and Senators, nor had it any necessary connection with Government. It had existed for centuries, without any assistance from the secular arm. Though a learned Prelate (Warburton) had proposed a decent and honourable alliance between the Church and State; yet it was not an alliance founded on the purity of the Christian doctrines, but merely on promises of mutual support. According to this new-fangled doctrine, the Church was not to depend upon its own merits; nor was religion to be established by the truth of its own evidence; but it was to be supported by the assistance of civil authority. Was this the manner in which Christianity was first propagated? In its infancy, when it had to combat the prejudices of mankind, and to make its way through an infinite number of other obstacles, was its progress indebted for any support from the indulgence of the Roman Emperors Senate? For a Christian Prelate, then, to appeal from the truth of the Scriptures to the authority of secular power, in support of the Christian religion, was an idea he should ever reprobate, as contemptible and shameful. Religion, in his opinion, had no reference whatever to the political constitution of a State: from such an alliance, it would contaminate and be contaminated; the one would be corrupted, and the other enslaved. The clergy, he was sorry to observe, had uniformly acted with great artifice and duplicity, down from the time of the Reformation; when they made their own chimerical fears, which existed no where but in their own heated and disordered imaginations, the ground of unprovoked and unmerited persecution. Report said, but he sincerely hoped, without foundation, that a certain Prelate of the Church (St. David's) had recently written a circular letter* to the clergy of his diocese, requiring them to withhold

* *To place this part of the subject in the fullest point of view, it may be proper to lay before the reader the following*

Copy of a Letter from Dr. Horsley, Bishop of St. David's, to the Clergy of his Diocese:

"Sir William Mansell has declared himself a candidate to represent the borough of Carmarthen in the next Parliament. I cannot "refrain

hold their votes and interests at the next general election from a particular Member of that Houfe, for his having voted for the prefent motion, when under difcuffion during the laft feffion. If innovation was a fubject of fo much dread, what innovation could be more alarming to the conftitution than this precedent of an Englifh Bifhop, interfering not only in an election for a Member of Parliament, in direct violation of the privileges of that Houfe, but alfo prefuming to marfhal his ecclefiaftical tribe in a civil array, and denouncing his anathemas againft every one who fhould be of opinion that the civil power could exift independently of the authority of the Church? Such antichriftian conduct was ill calculated to remove the fpirit of party and of faction, with which the Diffenters muft be actuated, under the preffure of grievance, oppreffion, and perfecution. Many of the Diffenters, he was perfuaded, were friendly to the church eftablifhment; but by fuch intolerance, they might be driven to entertain the moft inveterate enmity. If their influence and oppofition are now dreaded, how much more fo ought they to be, when roufed into refentment, irritated into hatred, and perfecuted into hoftility? It had often proved a matter of lamentation to High Churchmen, and it had been complained of as a grievance, that Diffenters had, on fome occafions, conformed to the Teft laws. It was rather a delicate point for any clergyman to fcruple complying with an application for the adminiftration of the facrament; though in fome inftances, a refufal had been made, on the ground of immorality. But he muft condemn fuch a political eftablifhment, which required a man to go to our church, while he belonged to a fect which, perhaps, held tenets diametrically oppofite; it was a direct method to promote vice, immorality, and profanenefs. The abufe of fo much power, too, in the hands of the clergy, might be attended with infinite

"refrain from declaring, that he has my hearteft good wifhes. Mr. "Phillips, the prefent Member, has received the thanks of the Dif- "fenters for the part he took in the late attempt to overthrow our eccle- "fiaftical conftitution, by the repeal of the Corporation and Teft "acts. By this, it is eafy to guefs what part he is likely to take in "any future attempt for that purpofe. I hope I fhall not have the "mortification to find a fingle clergyman in my diocefe, who will be "fo falfe to his own character, and his duty to the eftablifhed Church, "as to give his vote to any man who has difcovered fuch principles.

"I am, reverend Sir,

"Your affectionate brother,

"and faithful fervant,

Abergwilly, "SAMUEL ST. DAVID's."
August 24, 1789.

mifchief.

mischief. The repeal of the Test laws, it was said, would inevitably prove an infringement of the Union. But this was a palpable and egregious error. So far were the Test laws from being among the essential articles of the Union, that when they were formally proposed to become perpetual, they were rejected.

Some stress had been laid on the writings and opinions of some individuals among the Dissenters, who had publicly avowed their opposition to the Church establishment. Dr. Priestley had been particularly pointed out as an objectionable character in this respect: but what danger could possibly arise, from the adverse opinions of this truly eminent and learned gentleman, to the hierarchy? Was it any proof of a design to subvert the ecclesiastical constitution? No. Any person might disapprove of our civil constitution; might object to the popular part of our government; might avow his sentiments ever so openly; and yet be not liable to any civil incapacity. A noble Duke, (Richmond) high in office, had attempted a reform in the constitution of the Legislature; the Chancellor of the Exchequer had done the same; but the patriotic exertions of both had failed of success; yet, from their opinions, no danger had been apprehended to the constitution. After such an instance, then, of what little influence opinions have on practice, we might as safely allow Dr. Priestley to be at the head of the Church, as the present Minister at the head of the Treasury; as the opinions of the one were not more hostile to the hierarchy, than those of the other had been to the present constitution of the Legislature. Another learned gentleman, (Dr. Price) in his sermon on the Anniversary of the Revolution, had delivered many noble sentiments, worthy an enlightened philosopher, who was unconfined by local attachments, and gloried in the freedom of all the human race. Though he approved of his general principles, yet he considered his arguments would have better become his speech than a sermon. To make of the pulpit, the altar, or sacramental table, political engines, he must ever condemn, whether in a Dissenter or a Churchman. The clergy, in their sermons, ought no more to handle political topics, than the House to discuss subjects of morality and religion. Arguing as he had done against the prostitution of the sacramental test, religion and politics ought ever to be kept separate. Whatever may be the fate of the present question, of this he was fully confident, that if the Test laws were once repealed, the jealousy of the Church would be at an end; if the barrier of partition was removed, the very name of Dissenter would be no more. Should the majority of the House, however, determine in favour of the continuance of the Test laws, it will only serve to keep alive a

spirit

spirit of animosity between the parties; it may lead to stronger exertions in defence of civil rights; and other applications to the wisdom and justice of the Legislature must be the necessary consequence. Some distinguished writers upon the subject had asserted, that as the Test laws had received the sanction of Parliament, it was the duty of the Dissenters quietly and implicitly to submit. But was not this doctrine repugnant to the privilege, which was the boast of every British subject, of petitioning the Legislature, when oppressed or aggrieved by any law? There was an end to our liberty at once, if we durst neither complain of grievance, nor petition for redress. The Dissenters, he hoped, would strenuously persevere in their applications, until they found the object of their wishes gratified in a complete toleration. In pleading their cause, he had only supported the principles of general toleration, and the universal rights of mankind. In all the great political questions which he had the honour to introduce for the discussion of Parliament, he had always had the good fortune to agree in opinion, and to experience the support of all those friends to whom he was attached from principles. Though he should ever glory in the name of a whig, as an honourable distinction which characterized the advocates of civil and religious liberty; though it was the pride of his life to act with the cordial approbation of the party to whom he belonged; yet, an honourable friend, whose opinions always had the greatest weight with him, did not think as he did on the present question. Much, however, as he respected his opinions, and highly as he thought of his understanding, yet, in every contest where liberty, and the civil rights of men are involved, he should ever enlist under the same standard, however formidable his opponents in the ranks. In the part he had that day taken, the tongue of slander might possibly represent him as another Oliver Cromwell attacking the Church; he had been compared to that usurper on a former occasion, as attacking the Crown, even by the very men whose cause he was now pleading. Their cause, however, he had undertaken, from a conviction that it was a just cause; and he should be ever ready to become the advocate of those Churchmen, who might now perhaps load him with obloquy, whenever he saw them in real danger. He would chearfully now submit to the disadvantage of momentary unpopularity, confident that the time is not very distant, when the world would do ample justice to his exertions. He then concluded, with moving, "That the House will immediately resolve itself "into a Committee of the whole House, to consider of so "much of the said acts as requires persons, before their ad-"mission into any office, civil or military, or any place of

"trust

"trust, under the Crown, to receive the sacrament of the "Lord's supper, according to the rites of the church of "England."

Sir *Henry Hoghton* remarked, that it was not necessary to pay his humble tribute of deserved applause to the very able manner in which his honourable friend, Mr. Beaufoy, had opened the business on two former occasions, when a similar motion tothe present was discussed in this House, as justice had been fully done him by the right honourable mover of the present motion, the exertions of whose very distinguished abilities were a proof how good a judge he must be of the abilities of any other. The justice of the application of the Protestant Dissenters had been so forcibly evinced by the right honourable mover, that he would not make any apology for his appearing a third time an advocate for the repeal of the Corporation and Test acts. Though with the rest of the Dissenters, he was gratefully impressed with the liberality of the two Houses in relieving the Protestant Ministers and schoolmasters from the pressure of a very severe act, he did not consider the relief as a boon obtained by the generosity of the British Parliament, but a restoration of a right unjustly withholden; and he joined in the present application upon the ground of a claim of right. As he thought it unjust that the Protestant Dissenters should be deprived of the eligibility to civil offices, merely on account of their dissent from the established church, after their cause had been so ably illustrated by the right honourable mover, he was far from being ashamed to profess himself a Protestant Dissenter; and, with pride, he looked to the history of the times preceding the passing of these acts. He had very accurately read all the references to the journals mentioned in the pamphlet, entitled, "The right of the Dissenters to a full toleration," and found them very correct; they all testified the respect of the friends of civil and religious liberty to the predecessors of the present Dissenters who bravely adhered to the patriots of those times, who resisted the violent attempts of the Crown and the Mitre; and when the church was in danger, and their friendship asked, they always stood by them, and subjected themselves to the severity of those acts, rather than comply with the measures of the Crown, when a toleration was offered to them. He lamented the animosities and rancour which prevailed in many places; he was always sorry when any disrespectful language was used, with regard to the established church; and that the religion of a State should constantly be treated with civility; and that it was very disgraceful to the character and office of a prelate to engage in political disputes; but he was not at liberty to charge a right reverend and learned prelate with

Sir Henry Hoghton.

being the author of a letter to influence an election, as he did not know the fact for certain. He had many clergymen for his most intimate friends. He observed, that the two acts now under consideration, were one in the House of Commons, and the other in the House of Lords, attempted to be rendered perpetual; but the attempt failed. It was proposed in Scotland to have a Test act there as well as in England, by some persons, but it was not insisted upon by the patriots in Scotland, for fear of impeding the Union. He believed that the argument urged on a former occasion was too illiberal and futile to be again renewed, that the more conscientious a Dissenter was, the more desirous he must be to have his mode of worship established. He professed his good wishes to the establishment, and said, that a prudent man would rather submit to a grievance than run the hazard of great confusion by attempting to overturn the established church, which he should strenuously oppose. He concluded with saying, that he did not despair of seeing the time when some of the Bishops, to the great piety of many of whom he bore his testimony, should move for the repeal of a sacramental test, thereby convincing the world that they were more concerned for the interest of religion than for any temporal emoluments. The church of England received its special temporalities and emoluments from the State, and therefore that language appeared unconstitutional and assuming, which called the church an ally of the State, he could not but deem very unconstitutional and assuming language.

Mr. Martin. Mr. *Martin* remarked, that from the first day of his having enjoyed the honour of entering that House as one of its Members to the present hour, it had been with him a fixed and constant principle, and avowedly so in public and in private, that a majority of electors of every place sending representatives to Parliament, had a constitutional right to instruct their representatives whenever they thought it expedient to exercise that right. His constituents judged it necessary to instruct their representatives to oppose the repeal of the Test and Corporation acts; and therefore he felt himself bound to vote against the repeal; at the same time it appeared to him a duty he owed to himself, and the consistency of his conduct, to declare that his private opinion upon this subject continued unchanged; and that he could not but flatter himself that when the unhappy heats which had been kindled by jarring opinions upon this matter should have subsided, a favourable opportunity would be embraced by the Legislature for granting spontaneously to the Dissenters that which some persons seem to think they claim at this time with too much earnestness and zeal. Meanwhile he should,

should, upon this, as upon every other occasion, submit himself to the commands of his constituents whenever they pleased to communicate them to him, and he must, in consequence of having received such commands, vote against the motion of the right honourable gentleman. Before he sat down he would beg leave to observe, that if there were any persons in that assembly, or amongst the public, who felt any acrimonious disposition towards the Dissenters, he hoped such feelings would be removed, at least in some degree, by the melancholy news which arrived only a few days since. Mr. Howard, a gentleman, who, as he was informed, was a Dissenter, and who had sacrificed almost every comfort of his life to the luxury of doing good, had at length sacrificed life itself in the exercise of universal beneficence towards persons of all modes of faith and religions. It would be the highest presumption in him to attempt the praise of such a character; he would leave that pleasing office to men of elevated genius and eloquence, and content himself with cherishing in his own heart the remembrance of such uncommon excellence.

Mr. Chancellor *Pitt* having risen, declared that he was anxious to deliver his sentiments at that early period of the debate, in reply to the right honourable gentleman, Mr. Fox, on the present important question under discussion. He had, he said, stated his objections, on former occasions, to the motion; he should still continue to pursue the same line of conduct, with this difference only, that he was but the more strengthened and confirmed in his former opinions upon the subject, and should therefore now restate them with greater force, boldness, and confidence. Mr. Pitt.

He considered both himself and the House under great obligation, however, to the right honourable gentleman for his clear and candid statement of the precise object of the Dissenters, in their present application; he had completely unravelled the mystery in which their views had been enveloped; and in a plain, open, and manly manner had exhibited the full extent to which his motion was intended to be carried. Had it ever been possible for him to be at a loss on the subject, his doubts must now forsake him. The important question at issue was simply and plainly this: Whether the House ought or ought not to relinquish at once those acts which had been adopted by the wisdom of our ancestors, to serve as a bulwark to the church, whose constitution was so intimately connected with that of the State, that the safety of the one was always liable to be affected by any danger which might threaten the other?—He, for one, was clearly convinced that we ought not to relinquish those great and fundamental principles upon which the prosperity of the State so much depends.

pends. The right honourable gentleman's sentiments on the general principles of dissention and toleration coincided with his own; yet, he said, he must take leave to differ from him in his definition of toleration, which he had carried to an extent which, in his opinion, it would not bear. Toleration could, by no means, be considered as an equality; for it only consists in a free exercise of religious tenets, and in the enjoyment of the protection of the laws. The Dissenters have a right to enjoy their liberty and their property; to entertain their own speculative opinions, and to educate their offspring in such religious principles as they approve. But the indispensible necessity of a certain permanent church establishment, for the good of the State, required that toleration should not be extended to an equality; for that would inevitably endanger such an establishment. For upon the supposition that every class of Dissenters, agreeable to the extent of the right honourable gentleman's principles, were admitted to a full and complete equality of participation; those would be admitted who might conscienciously think it their duty to subvert the establishment. For not only Roman Catholics, but also Papists, who acknowledge the supremacy of a foreign ecclesiastical Prince, were not to be excluded until the commission of some overt act against the constitution. If this were once to be done, there would be an end for ever put to the wise policy of prevention; and a dangerous door would be opened to the absolute ruin of the constitution. He was ready to admit, that no citizen of a free State ought to be subject to any punishment for his speculative opinions; nor should even the publication of them, with moderation and decency, fall under the cognizance of the civil power; but he contended that the interest of individuals claiming pecuniary rewards, or lucrative employments, was very different from this; and that the public safety required, in his opinion, such a species of security for an establishment as the Test Laws required. Our very constitution had been saved by virtue of their sanction; had it not been for such bulwarks of defence, the family of Stuart might have been now in possession of the throne; and the right honourable gentleman had never had the opportunity of delivering those opinions in that House which they had that day heard. Although all cognizance of opinion might not be a warrantable ground for crimination, until the commission of some overt acts, yet he should ever contend, that an enquiry and test of a man's opinion, as the means of judging of his religious and constitutional principles, was highly expedient.

It had been exposed as extremely absurd, that a Test of religious tenets should be imposed upon persons about to occupy the meanest civil offices, while there was no enquiry into

into the political opinions even of the members of the Legislature. The fact was otherwise. In the oath of abjuration, a religious Test was imposed on the constitutional tenets of the Legislative body. The oath against transubstantiation was purely religious, and the oath of allegiance was a civil and political Test of loyalty and civil obedience. But to have no Test of any kind was contrary to the genius and spirit of monarchy; much more, then, must the obligation of Test laws be necessary to a government like ours, where the monarchy is limited. The executive power should be allowed undoubtedly the exercise of a right of discrimination into the fitness of individuals to occupy stations of trust, for which that branch of the government was always responsible. The benefit of the general community required the establishment of public offices; and, as a distinction in their distribution was highly conducive to the same important service, the idea of right to civil offices, then, was highly absurd and ridiculous; there could be no foundation for such extraordinary claim, unless it were agreed that the offices in question were created more for the advantage of those who occupied them, than as a trust for the benefit of the public; and that their salaries were to be defrayed upon the principle of a lottery, rather than out of the public treasury. While our constitution, however, had invested the executive power with the appointment of offices, the Legislature had made a wise application of a limited monarchy, by restricting the supreme magistrate in the disposal of these offices. Suppose the case of a republic, the government of which was the purest democracy; the officers of state elective out of the general body, where the most perfect equality existed.

Now, imagine any form of religion, or superstitious ceremony, to be entertained and professed by a small part of the people, whose tendency might be to destroy the democratic equality, and, consequently, the constitution itself: would not the majority, with a view to the preservation of this constitution, be warranted in the exclusion of such an obnoxious party from the right either of electing, or being elected, to fill offices of trust in the state? Most undoubtedly —It should then be recollected that the Test laws under discussion, were enacted with a direct view to the defence and preservation of our excellent constitution. They were to be regarded as a species of jealousy of the Monarch, which had never been considered as unconstitutional. They had a direct tendency to check the influence of the Royal prerogative, which was a circumstance never very unpopular in a free state; and he hesitated not to say, if any distrust were to be entertained of either of the three branches of the constitution, it ought to be of the executive power. The

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Test laws, by abridging the prerogatives of the Crown, in preventing the Sovereign from employing persons in offices of trust, who could not give a certain pledge or security of their attachment to the government, guarded against all danger or abuse from this branch of the Legislature. The persons excluded by the Test Laws from civil offices, lie under no kind of stigma, in his opinion, more than those who were necessarily kept out of that House; or from voting at an election, in consequence of their disqualification by statute, from their elective rights. It was a common policy which obtained in private life, for no man to admit another to the management of his affairs, whose principles he did not approve; the same policy should prevail in states. The exclusion of the Dissenters, therefore, from civil offices, from a disapprobation of their political sentiments, could be no usurpation in the government. Either the merits or demerits of individuals ought, most undoubtedly, to have no weight or influence in the discussion of the present question. Yet the conduct of the Dissenters seemed to him liable to just reprehension; for when they were reprobating the Test laws, they were loud in their complaints, and were appealing to the Legislature for redress of their grievances; even at that moment, they discovered intentions of forming associations throughout the whole country, for the sole purpose of putting the Members of that House to a test; of whose fitness and competency to discharge their parliamentary duty they were to judge from their votes upon this single question. They had, indeed, explained themselves, that it was far from being their intention to put a test to any one; but even in their explanation, a test was evidently implied. For in their resolutions, under the signature of Mr. Jefferies, it was expressly declared, that the Dissenters meant to favour such Members with their support, who should prove themselves friends to civil and religious liberty. Their construction and application of such terms must be obvious to every understanding. No man, in their estimation, would be regarded as a friend to civil and religious liberty who did not vote for the repeal of the Test laws. Although the right honourable gentleman had well expatiated on the excellence of toleration, yet he was not certain that the description of men, whose cause he had so ably pleaded, would be eminently distinguished for their candour, moderation, and tolerance, should they succeed in their application. He owned he was not prepared to repose implicit confidence in any fair promises they should make; from the suspicious circumstance of their applying for a repeal of the Test laws, when, at the same time, they were threatening the Legislature itself with a test. If no individual, therefore, as he had

had contended, can either have a right to occupy, or be eligible to occupy any official situation under a government like ours, especially if such an appointment too was likely to be attended with any political inconvenience; for when such an inconvenience ever exists, the claim of right must be utterly unfounded. The claim of the Dissenters, therefore, to be admitted to civil employments, upon the ground of right, equally with the members of the establishment, must of necessity fall to the ground. For he had no idea of such levelling principles as those which warranted to all citizens an equality of rights; as if the whole property, under the controul of Government, were equally to be distributed among the public again. The appointment to offices rested with Government, which no citizen could claim as a matter of right. The Dissenters ought not to consider themselves, by the operation of the Test laws, as debarred from any right to fill official situations under Government; nor ought their exclusion to be regarded as any stigma upon them; since the Government, in concurrence with the majority, are of opinion that none ought to be admitted to civil employments, except members of the establishment. To ascertain this important circumstance, without exacting either promise or obligation from any individual of the community, the Test laws are enforced. Having now, he hoped, sufficiently argued the question on the ground of right, he should proceed to discuss its merits on the ground of policy and expedience. The reasons for the adoption of the Test laws, by the wisdom of our ancestors, had not, in his opinion, ceased. Political expedience prohibited their abolition. To elucidate this matter he would enquire—First, whether an establishment was not necessary, and materially connected with the state?—Secondly, Whether the Dissenters are not likely to exercise power, should they once have it in possession?—Thirdly, Would not the repeal of the Test laws indulge them with that power?—Fourthly, Whether the Dissenters labour under any practical inconveniences from the operation of the Test laws?—Fifthly, Whether a repeal of them could take place consistent with the safety of the established church? The necessity of an establishment was generally admitted, he believed, in that House. The right honourable gentleman had declared it highly useful and advantageous; an argument from him, therefore, in support of this position, was unnecessary. A just panegyric had been pronounced from the same high authority, upon our present church establishment. It was said to be equally devoid of all unnecessary exterior ceremonies, as its interior rites were of superstition and enthusiasm. An argument to prove that the Dissenters would exercise power when in posses-

possession of it, was also, in his opinion, useless; since the possession of power, it was well known, was always attended with a natural inclination to the exercise of it. Without intending to throw any stigma upon the Dissenters, who were undoubtedly a respectable body; he did not hesitate, however, a moment in supposing it but extremely probable that they might exercise their power to the subversion of the present establishment. Their conduct would not be reprehensible in acting from the principles they profess; for it became their duty as honest men, regarding the established church as sinful and idolatrous as they do, to act a conscientious and consistent part, by exercising every legal means in their power towards its subversion. To grant the Dissenters such power, from a repeal of the Test laws, as might endanger the establishment, was highly impolitic. For such a national establishment of religion as ours, was capable of rendering essential services to the State; it was therefore entitled to the vigilant protection and support of the state in return. A national religion was calculated to meliorate the morals of the people, especially when its form was congenial to the civil constitution of the country. He should neither comment, he said, on the letters of Bishops, nor on the sermons of dissenting Ministers, as he perfectly agreed in opinion with the right honourable gentleman, that matters of State ought not to be blended with religious duty. Such discordant mixture had been always attended with great mischief. It was the duty of men of such character to confine themselves to the purposes for which their employments had been instituted; to cultivate peace and good order; to instil into the minds of the Public a rational love of Christian morality; to exhibit in their practice such exemplarity of conduct for piety and virtue, for public imitation; to have no other competition than that recommended by the Gospel, namely, who shall most contribute to promote the great ends of religion and morality. From such a contention, the State must derive the most important advantages; it were a warfare truly worthy the sacred title of religion. If an ecclesiastical establishment was necessary for the good of the State, as fact and experience had proved in many instances, both before and since the Revolution; and as the power to be derived to the Dissenters, from a repeal of the Test laws, might endanger the Church, and hazard the safety of our civil constitution, policy demanded the prevention of all possible danger to the State, from the prudent interference of the Legislature, in rejecting every application, however respectable, that might lead to such serious inconvenience. The essence of policy consisted in the general good of the Public: where the rights and interests of individuals, therefore,

fore, came in competition with those of the Public, policy claimed precedence even of justice. Admitting the Dissenters to endure some small practical inconvenience from the Test laws, yet, if the general good and the public safety demanded such sacrifices, as he must contend they did, their appeal to the Legislature for redress, in the nature of justice, ought to be rejected. But it had been contended, that no danger whatever could possibly arise to the constitution, either in Church or State, from a simple repeal of the Test laws, and that the Dissenters would then rest satisfied, and would trouble the Legislature for no farther indulgence, provided their present application proved successful; he would assure the Dissenters, that he would neither deny them any right that belonged to them, nor would he refuse them any regulation which did not seem attended with any dangerous consequences; but as the object of their present application did, in his opinion, warrant a sufficient ground for apprehension and alarm; it was the duty of the House, as the faithful guardians of the constitution, to watch and repel the danger in due time. The Dissenters had, the House would recollect, succeeded in their application about fourteen years ago, and obtained what had been considered as a completion of their toleration. It was then declared, both in and out of that House, that the Dissenters intended to proceed no farther, if they only obtained the relief they then solicited; and Dr. Kippis, a man of no inconsiderable rank and esteem amongst them, in his letter upon the subject, declared, that after obtaining the toleration in question, they would ask no more of the Legislature; but would retire, grateful and content, to their books and closets, impressed with a becoming sense of the great indulgence with which they had been favoured. He must differ from the right honourable gentleman in his opinion, that if the test laws were once repealed, the Dissenters would be desirous of proceeding no farther. Many gentlemen among them, who stood foremost in the present application, did, by their declarations, contradict such an opinion; they had openly avowed their disaffection to the constitution of the Church; had declared they were perfectly satisfied with the indulgence granted them by the Legislature, and should apply no more; yet they had violated their promise by the present application; and from their professions, there was no judging with what they would be satisfied. If the House should, in compliance with their wishes, consent to the repeal of the test laws, who could tell but their next application might be for an exemption from church dues? to which every argument advanced in support of the present question would equally well apply. Now, an established religion had been admitted as necessary, useful,

and advantageous to the civil government of a State; such an establishment ought, therefore, to be protected and supported by the Government; and its expence should fall equally on all the members of the general community, in a certain proportion. A repeal, therefore, of the test laws could not, in his opinion, take place, consistent with the safety of the Church; the security for the safety of which, had not commenced at the Revolution, as the right honourable gentleman had stated, but had been in existence long anterior to that date; and had there not existed such bulwarks of defence, previous to the Revolution, that memorable event itself had never taken place. The continuation of the test laws was, therefore, highly expedient. A reference had been made to the repeal of the test laws in Ireland, and no danger had ensued to the constitution. The situation of the Irish and English churches, he observed, were very materially different; the former found a security in the superior numbers of the Catholics over the Dissenters, which bore a proportion of six to one; and therefore needed not the same protection as the English church from the sanction of test laws: the repeal, too, having only recently taken place, we could not judge by experience of the consequences of its operation. The repeal of the test laws in Ireland, was not, therefore, an instance in point, to warrant the adoption of such a measure in this country. The reference also to the kirk of Scotland having no test, was equally inapplicable; as a test there would prove a very feeble barrier, since the majority of dissenters from the kirk conformed to the mode prescribed by law for the administration of the sacrament, and since the establishment of the Presbytery had been sufficiently secured by a solemn pledge in the act of Union. The allusion made to the French church, antecedent to the revocation of the edict of Nantz, having no test laws for its protection, was also foreign to the present question. Had there prevailed less bigotry in those times, the church would have been secure; since the sovereign will of the Monarch was the only law of the country. The right honourable gentleman's argument that no test laws existed in America, was as inapplicable as the other references and examples he had adduced in elucidation of his point. The American constitution resembled ours neither in Church nor State; he most sincerely wished it had, in affording equal security for liberty and happiness to the subject. But in America there was no uniform established religion; no test laws were therefore necessary for the protection of such an establishment. Although the opinions of men were much divided at one time on the subject of the American dispute, while one party was contending that the revolting colonies ought to be coerced to obedience;

and

another was as strenuously insisting that they ought to be for ever abandoned; and the world in general was willing to believe that England could not exist, independently of her colonies; yet the event, however, had happily proved the reverse of these different opinions. For, in the loss of the territorial government of the thirteen American colonies, Great Britain had sustained but a very inconsiderable diminution in her commerce; while she had to boast her deliverance and exemption from that load of expence which attended the support of the civil establishment of the States. The test laws had been declared inefficacious and nugatory, as the Legislature had been obliged every session to pass an act of indemnity. If the fact was so, the ground of all complaint of oppression must cease; for, from the right honourable gentleman's own argument, it was obvious that the laws were not enforced. Although the temperate forbearance of the Government from the non execution of the laws, was truly laudable, when the danger was neither imminent nor alarming to the Church, whose security and permanent safety was their object; yet, to repeal the laws in question, because their execution was not always necessary, would be impolitic in the extreme; as the Legislature, in thus suffering the remedy to such danger to depart from their hands, might not very easily be able to recover such salutary influence, as might stem the torrent of danger in the hour of pressing emergency. So far was he from agreeing with the right honourable gentleman, that no danger whatever was to be apprehended, that he could easily conceive a man, with all the abilities of the right honourable gentleman, without the integrity of his principle, who, influenced by ambition and corrupt views, might exercise his powerful talents in rousing the disaffected to an attack upon the Church. Would there not, in that case, be real danger? Most certainly. To guard against danger to the constitution, however distant, was the indispensable duty of every Member of that House, but of none more than a person in the situation he had the honour to hold, to whom the safety of his country should ever be dear. He must, therefore, give his negative to the motion.

Mr. *Beaufoy* began by observing, that before he proceeded to reply to the argument of the right honourable gentleman, he could not but remark, and in remarking, he could not but exceedingly lament the manner in which, not from a harshness of feeling towards the Dissenters, (for he was no stranger to the benignity of the right honourable gentleman's disposition) but from the nature of the cause which he had undertaken to defend, he had commented on the present application of his fellow subjects. Is it not sufficient, said Mr. Mr. Beaufoy.

Beaufoy, that the Dissenters are excluded from all the offices and honours of the State; that they, whose attachment to the House of Brunswick has not always been equalled, and has never been exceeded, should be excluded from the service of their gracious master? Is it not sufficient that they should be denied the common privilege of bearing arms, as if, like slaves, they had no property to protect, no rights to maintain, no country to defend? Is it not sufficient that they should be involved in the same penalties with which the vengeance of the law pursues the most inveterate and atrocious offenders, but they must also be charged with cherishing designs which their conduct has disproved as constantly as their language has disclaimed, and which their principles, as far as I have ever known them, have no tendency to produce? If they were really men of the factious disposition which the right honourable gentleman has described, would they, in all times of national weakness and of public distress, the times at which the voice of faction is ever the loudest, have borne their sufferings with such constant, uniform, persevering patience, never troubling you at such seasons with solicitation or complaint. The example of Ireland had taught them that the hour of national distress is also that of national justice; but far from availing themselves of the knowledge which that example conveyed, they have always, in these unhappy moments of embarrassment, preferred a continuance of suffering to every hope of relief. It was not till all difficulties were removed, and all anxieties were fled; it was not till the return of the general strength had given security to all rights but theirs, that they intreated your attention to the hardships they endured from the sacramental laws. After the continuance of such a conduct for more than one hundred and twenty years, they did venture to hope (nor can that hope be considered as presumptuous) that they were entitled not only to the justice, which, however, is all they ask, but also to the partial attachment and affectionate regard of the Legislature. Nor can I persuade myself, notwithstanding the censures of the right honourable gentleman, censures strongly implied, rather than directly expressed, that the House of Commons will hear with indignation, that, which before a still greater tribunal, is always heard with indulgence, a repetition of earnest entreaties from those who are struggling with oppression. The arguments of the right honourable gentleman naturally arrange themselves under two distinct heads, that of the conduct of the Dissenters, and that of the merits of the question considered in the abstract. On the first of these points, he charges them with inconsistency of conduct, in endeavouring to impose a test upon others, at the very time that they bitterly complain of the hardship resulting

sulting from the existence of a test on themselves. Inconsistency of conduct! Have the Dissenters ever denied the propriety of civil tests for civil purposes? Have they ever disputed, under proper regulations, the expedience and wisdom of oaths? Have they ever declared, that such persons as are candidates for civil offices, should not be called upon to give a pledge of faithful allegiance and firm attachment to the State? The folly and injustice of religious tests for civil offices, they have, indeed, invariably reprobated; for they have ever asserted, that no power on earth has a right to impose on any man a declaration of religious belief, as the condition on which alone he should be called to the possession of a political employment; and consistently with these declarations, they have sometimes urged to those who are candidates for their favour, that he who wishes to be appointed the guardian of the rights of others, ought at least to acknowledge the existence of those rights; but never, on any occasion, have they examined the person who solicited their votes to represent them in Parliament, on the abstract points of his religious belief, or the principles of his speculative creed. The propriety, the expedience, the wisdom of the distinction between civil tests for civil purposes, and religious tests for the same purposes, are sufficiently obvious; but the inconsistency which that distinction is supposed to imply, I own myself at a loss to discern; still, however, the right honourable gentleman states, that the conduct of the Dissenters towards the candidates for their favour is unconstitutional and unfair. Is it then unconstitutional and unfair, that the Dissenters should say to the candidate for his favour, "You desire me to appoint you the guardian of all that is "dear to an Englishman, the laws and constitution of his "country, as well as his property and freedom; but before "I consent to raise you to so important a station, permit me "to ask, for it much concerns me to know, are you your-"self a friend to the rights of the subject; do you wish "well to the cause of the injured, or are you disposed to "uphold the course of oppression. You cannot be a stranger "to the hardships to which I am exposed by the sacramental "laws, nor can you want information on a subject which "has been agitated in Parliament, and canvassed in every "part of the kingdom. If, then, you are not inclined to "grant me that relief, which, on every principle of justice, "and of the faith of Parliament, virtually, but strongly "pledged, I am entitled to receive, on what principle, or "on what pretext, can you expect my support? You refuse "me the common privileges of a citizen, and, in return, "shall I raise you to the rank of a Legislator? You wish "the continuance of laws that expose me to the same pu-

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"nishment which is inflicted on those who have proved them-" "selves faithless to man, and perjured to Heaven; and in" "return for such indignities, shall I invest you with emi-" "nence and honour?" The policy, the wisdom of such language, in persons who constitute but a small part of the community, may, perhaps, be questioned; but surely, in that language there is nothing that can be deemed unconstitutional or unfair. In the next place, the right honourable gentleman states, that the Dissenters are justly chargeable with a breach of public faith, in claiming indulgences from Parliament, after they had solemnly declared, that if the relief which a few years back was asked by their Ministers were given, they should have nothing farther to solicit from the Legislature of their country; and in speaking on this subject, while he has expressed himself towards Dr. Kippis with that justice which is obviously due to the eminence of his character, in the sacred profession to which he belongs, as well as to his distinguished name in the literary world, he has taxed him as the person to whom this charge of inconsistency between conduct and assurances, specifically and solemnly given, particularly applies; but the right honourable gentleman has too much candor to have hazarded such a charge, if he had not confounded two claims which are perfectly unconnected. That of the ministers, who petitioned for, and obtained legislative relief, and that of the laity, who were as little concerned in that relief as the Ministers now are in the specific indulgence, if such it must be called, to which the present application relates. The ministers, with perfect good faith, assured the Legislature, that they, as ministers, had no additional claim to urge, or farther relief to solicit, and from this assurance they have never departed; for to them no emolument can arise, no advantage, civil or religious, can be gained from the repeal which a different description of men, the laity, now earnestly request of the sacramental laws. The last circumstance on which the right honourable gentleman has founded his objections to the conduct of the Dissenters, consists in the formation of their provincial assemblies, and of that general meeting which has lately been announced in London. I am happy that I can appeal to the best of proofs, the experience of past times, for the perfect consistency of that meeting, with every consideration of general tranquillity, and of national interest: for, in the year 1745, on precisely the same grounds as at present, those of wishing to convince the Legislature how sensibly affected all denominations of the Dissenters were with the penalties imposed upon them by the sacramental laws, the deputies of the London congregations requested that delegates to a national meeting might be sent from all the principal towns

towns in the kingdom. On that occasion the same clamours as at present arose, the same suggestions were employed, the same dark insinuations were used, and the voice of calumny was still loud, when the sudden news of a rebellion in the North burst on the public ear. Consternation was in every eye, the sound of despair was heard in every street. At the very time that many of their calumniators were negociating with the public enemy, and others were hastening to his camp, the Dissenters rose as one man in defence of the life and throne of their Sovereign. This was their reply to the accusations which assailed their fame. By the memory of those brave men, who, on that occasion, equally despised the sword of the enemy and the vengeance of the sacramental laws; by the blood of these martyrs to their attachment to the House of Brunswick, who perished in the field of Culloden, let me conjure you to banish from your thoughts those unworthy suspicions of your countrymen, with which their defamers have endeavoured to taint your minds! From this review of the several charges on the conduct of the Dissenters, Mr. Beaufoy next proceeded to the arguments by which Mr. Pitt had combated the rights which they claimed, to be deemed capable in law of enjoying those offices of honour and trust, to which the partiality of their Sovereign might call them. He observed, that there were two grounds on which the right of the Dissenters to that capacity had been combated. The first was, that a majority of the inhabitants of the kingdom have a right to exclude from all the employments of the State, such persons as differ from themselues in the abstract points of religious belief; the other was derived from a consideration of the objects and purposes of Government. On the first of these grounds, Mr. Beaufoy said, that the argument had not been, and, in his opinion, could not be, strongly urged; for, exclusive of every abstract consideration, it was perfectly clear, that such reasoning, however applicable in England to the actual situation of affairs, or convenient in itself for the purposes of the present discussion, was too inconsistent with the conduct of the British Government in another part of the empire, to be deemed salutary in practice, or wise in theory. He wished not, however, to dwell on this division of the subject, or to shew that such reasoning must disprove the justice of that Government which has long been established in Ireland, and which certainly is not founded on the idea that a majority of the inhabitants have a right to exclude their fellow citizens from all offices of emolument, honour, and trust. In arguing on the nature and ends of Government, Mr. Beaufoy observed, that the right of the Dissenters to be deemed capable in law of holding such offices, civil or military, as they might be

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called upon to fill by the voice of their Sovereign, rested on the best and broadest of all foundations, that on which Government itself is built. To prove this point, he said, he need not have recourse to solemn deductions and formal inferences, or remind the House of what they so perfectly knew, that besides the right which nature has given to every man to his property, his freedom, and his life, she has also conferred on him a fourth right, that of defending the former three, and that Government is nothing more than a systematic mode of carrying this fourth right into convenient and complete effect. As little need he observe, that though upon this principle every man may seem to have naturally an equal claim with every other man to be deemed capable in law of taking his part in that system of defence, yet, as it was perfectly obvious that every man could not be called to an exertion of such a right, there must be somewhere a power of selection; which power the people of England, with evident wisdom, have vested in the same hands to which they have entrusted the supreme executive power of the State. The only point, he observed, for consideration, was, what are the conditions that constitute this rule of selection? That on the one hand the Dissenters contended that, as the rule of admission was directed to the attainment of civil objects, it ought to be founded on civil principles alone, whereas the right honourable gentleman had contended, it ought to be founded on religious principles also. The Dissenters conceived that no conditions should be necessary to constitute legal capacity for office, but the choice of the Sovereign in the first place, and in the second, an ability and willingness to give, with effect, an assurance of civil attachment to the State; a bond of firm and faithful allegiance. On these principles it was evident, that two descriptions of men would be excluded; first, all those who have been convicted of perjury, and have consequently shewn, that on their minds the most binding of all bonds is incapable of producing its natural effect—secondly, all such persons, if any such there be, as under the denomination of Papists, a denomination which the right honourable gentleman, with a clearness of distinction that I trust will always be remembered, has justly distinguished from Catholics, are understood to believe that oaths to an heretical Government, are not binding on the swearer. —But the right honourable gentleman, not satisfied with these conditions, contends, that though the subject be able to give with effect, and may have actually given the strongest possible pledge of attachment to the State, yet that the Legislature, on account of the abstract tenets of his religious belief, has a right to exclude him from the honours and emoluments of all public employments, civil and military, an

and has alſo a right to conſign him to degradation and diſhonour, and to impoſe on him, though guiltleſs of offence, a puniſhment that can never be warranted, except by atrocious crimes. Conſiſtently with this opinion, the right honourable gentleman has alſo alledged, or rather has taken it for granted in his reaſoning, that the government of a country has a right to impoſe on the Diſſenters whatever reſtraints, and whatever penalties it ſhall deem expedient for the ſecurity of the eſtabliſhed church; but terrible indeed, if this principle ſhould be admitted, muſt be the ſituation of the Diſſenters. For what is it but to ſay, that not by their own actions, but by other men's fears ſhall the meaſure of their penalties be determined? Try them by their actions, and it will be found that they are entitled to the ſtrongeſt affection of their country, and to the attachment and gratitude of the church; for more than once, in times of difficulty and diſtreſs, they have ſaved her from impending deſtruction, and at this very hour it is generally underſtood that the church of Ireland is upholden by their zealous attention to her intereſts; but if the extent of their ſufferings is in future to be determined not by their own conduct, but by the apprehenſions of others; a ſtate of greater humiliation and of deeper diſtreſs can ſcarcely be conceived; for they cannot conceal from themſelves that though the fears of the preſent hour may be ſatisfied with the penalties of the preſent law, yet that the fears of the ſucceeding hour may ſuggeſt that they who are unfit to be truſted with the ſubordinate offices of the State ought not to be inveſted with the moſt important of all offices, that of Legiſlative authority. Thus the Diſſenters may hereafter be excluded from the right of ſitting in Parliament. As little can they conceal from themſelves that a ſtill ſtronger apprehenſion may intimate, that he who is unfit to be intruſted with an Exciſeman's delegated power, muſt be ill qualified to chooſe the guardians of whatever is moſt ſacred in the laws and conſtitution of the country. Thus the Diſſenters may be excluded from the right of voting at elections. Fear is generally progreſſive, and, on ſome future occaſion, may poſſibly ſuggeſt, that they who cannot with prudence be allowed the management of their commercial concerns, leſt it ſhould give them too much influence in the State, ought not to be indulged with the greater influence which the poſſeſſion of landed property beſtows. Thus the Diſſenters may be excluded from the right of purchaſing or ſucceeding to eſtates in land. Others again of greater timidity, perhaps, or who value themſelves more on conſiſtency of character, may ſuggeſt that if the Diſſenters, are ſuch enemies to the church, as to render their excluſion from the army a wiſe and ſalutary precaution,

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if they really are such stedfast, inveterate foes to the established religion, that to intrust them with arms, is to hazard her safety, they ought not, in common prudence, to be permitted for a moment to continue in the realm. Thus the banishment of the Dissenters may be deemed a necessary measure.

Mr. Beaufoy said he was unwilling to pursue this train of reasoning any farther, lest he should seem to describe, as the possible language of his countrymen, that which he only meant to state as the natural language of the principle which the right honourable gentleman, without adverting to its consequences, had endeavoured to inculcate; yet if the conclusions which obviously result from the principle, be those alone which in argument he was bound to discuss, he thought himself obliged to state, that under the influence of that principle, there might hereafter be persons who may be induced to urge, that though the disburdening the church of her foes be a wise and salutary measure, yet that the prudence of permitting the escape of an enemy, irritated, but not weakened, exasperated, but not subdued, may well be disputed; that the same consideration that would justify the banishment of the Dissenters, would equally justify a more effectual expedient; and that if the memory of Charles the Ninth, and of the Festival of St. Bartholomew, must be reprobated, it should rather be for the laxness of the execution, than for the folly of the design. He once more declared his perfect persuasion that such sentiments could never again be avowed or entertained in Britain. Yet he could but reflect that 200 years have scarcely elapsed since (even in this kingdom) the sun was darkened by the smoke of these fires which consumed in torment the individuals who at that time dissented from the established church. Are then the Dissenters mistaken when they conceive that the principle which is thus inculcated, opens an immeasurable gulf in which their rights of property, of freedom, and of life, may all be lost? If they are mistaken, let proofs of that mistake be given; let it be shown, that the principle in question will justify the exclusion of the Dissenters from all the subordinate offices of the State, in which their enmity to the church, if it really existed, must be abortive, but will not justify their exclusion from Legislative power, by the possession of which the consequences of a hostile disposition might indeed be dangerous: let it be shewn that the principle will justify the taking from them the right of defending their liberty and their existence, but will not justify the depriving them of their lives or freedom. In other words, that it will warrant all such measures as must be inefficacious, but will not warrant such as might, perhaps, be effectual. I should be glad to see this distinction established,

lished, as the apprehensions of the Dissenters would be greatly diminished, if they were satisfied that there is a boundary which persecution on that principle can never pass. Vain, however, is the wish; fruitless the hope; for what limits can be assigned to the operation of a principle, the very existence of which is an outrage to justice, and a proof of the weakness of her laws? Shall we appeal to the objects of government for the extent to which penalties on religious belief may be carried? Alas, Sir, the very existence of these objects is endangered from the moment that such penalties are permitted at all. Government was established for the protection of the rights of property, of freedom, and of life; but if the Legislature has a right to judge of the tendencies of thoughts abstractedly from conduct, and to establish a standard of human guilt, independently of human actions, that protection is at once annihilated: for if the Legislature have a right to judge of the mere operations of the mind, they have the means of consigning to condemnation whatever religious opinions they please, and therefore of marking out for destruction whatever religious sects they please. It is a privilege that destroys the firmest bond, and strongest principle of union, that is known to civil society—the assurance that the guiltless shall not be condemned—that the innocent shall not be punished. It takes away from the subject that blessing of security, without which all other blessings are but motives to disquietude, and incitements to distress. The right honourable gentleman's next declaration was, that the Dissenters already enjoy a sufficient and complete toleration. Sir, it is one of the severest afflictions of which the Dissenters complain, that while, in order to enjoy that right of private belief, which is essential to thought, and therefore inseparable from existence, they are reduced to a situation which the House of Peers (so much did they differ from the right honourable gentleman) have solemnly pronounced to be "one "of the most unhappy to which Englishmen can be reduced," they are considered by their fellow-subjects as enjoying a sufficient and ample toleration.

"You ask from the Legislature the free exercise of private "judgement in questions of religion. You claim the rights "of acceding to those laws, by which the Almighty governs "conviction,—a right which, if it were in your inclination, "it is not in your power to resign; but that very right you "shall enjoy on no other condition than that of being ex-"cluded from all the offices and honours of the State, of "being denied the common privilege of bearing arms, and "of being involved in penalties which the House of Peers, "the most solemn tribunal now existing on earth, have de-"clared ought never to be inflicted except for offences the

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"most enormous. Yet this toleration ſhall be conſidered as "ſufficient and compleat. Have your fellow-citizens raiſed "you to the ſeat of magiſtracy, as a man whoſe integrity and "talents invite the confidence of the innocent, and appal "the hopes of the guilty? Have they entruſted you with "the management of their affairs, as a perſon whoſe probity "they have often tried, and whoſe judgement they have re-"peatedly proved? The toleration which is granted you, "ſhall depoſe you from your office as a man unworthy of all "truſt; for whoſe conduct the ſtrongeſt oaths are a weak "and inſufficient ſecurity. Yet your fellow-citizens ſhall "exult in the liberality of the indulgence which they have "extended to your character and religious opinions. The "very privileges which you derive from your benevolence "to the poor, this complete and ſufficient toleration ſhall "wreſt from your hands. Have you endowed an hoſpital, "and obtained a charter for its eſtabliſhment? all ſhare in "the management of its funds which you yourſelf have crea-"ted, all means of conducting to its appropriated ends the "money which you yourſelf have given, ſhall be taken en-"tirely away. You ſhall not be governor of your own "charity, nor a director of your own inſtitution; yet the "toleration which deprives you of all theſe rights ſhall be "deemed ſufficient and complete."

Mr. Beaufoy obſerved, that he was perfectly aware that the right honourable gentleman had endeavoured to ſhew, that the excluſion of unqualified perſons to vote at elections, might, with as much reaſon, be conſidered as a penalty, as the excluſion of the Diſſenters from the various capacities which their fellow-citizens enjoy: but to this he replied, that a diſqualification to vote at elections, where the legal requiſite is wanting, has never yet been employed as a common penalty for offences; whereas the diſabilities impoſed upon the Diſſenters are penalties, familiar to the law, and expreſſly enjoined by the Legiſlature, as a puniſhment for crimes, the moſt abhorrent to the peace and well-being of ſocial life. He ſaid, he was alſo aware that the right honourable gentleman had ſtated, that the Diſſenters themſelves did not conſider the exiſtence of the ſacramental laws as being, in any conſiderable degree, a practical grievance; an opinion that could only be founded on his not having diſtinguiſhed between the intereſt of the Diſſenters, as compoſing a religious ſect, (an intereſt that they well knew muſt flouriſh in proportion as their proſecution was ſevere) and the feelings of the ſame Diſſenters, as Engliſhmen, diſhonoured in the eyes of their countrymen, degraded in their privileges as citizens, and deprived of their rights as men. —Feelings which had often led them to complain in the em-

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phatic language of the House of Peers," "that to a more mi-
"serable situation than that in which they are placed, it is
"scarcely possible for an Englishman to be reduced."

The right honourable gentleman had remarked, that weak, defenceless, and unhappy, would be the situation of the church, if the sacramental laws should be repealed; but much more unhappy (said Mr. Beaufoy) in my opinion, will continue to be her situation, if these laws should be permitted to remain in force; for while she is made the instrument of imposing penalties on the guiltless, of excluding from the service of their sovereign a large proportion of the most faithful and affectionate of his subjects, and of reducing to the harsh alternative of apostacy from religion (for so, if the laws were executed, she must actually prove) or of exclusion from all offices and honours one of the two nations which compose Great Britain. She is, at the same time, reduced to the shame of prostituting for these lamentable purposes, the most sacred ordinance of her faith; an ordinance of more than mortal institution; the solemn pledge of her eternal hope; and she is likewise exposed to the disgrace of seeing her ministers compelled to the fearful alternative of trespassing on the laws, or of trampling on their duty, of exposing themselves to prosecution, to penalties, and finally, perhaps, to a prison; or of administering the awful Sacrament to those on whom they are assured it must operate as a sentence of everlasting misery. The history of nations furnishes no example of indignities like these being offered by any Legislature to the religion of its people. That foreign invaders should pollute the temple of a worship, in which they do not believe, may perhaps be natural; yet even this is always recorded with horror; but that the Legislature of a country should deliberately, and by express enactment, prostitute the sacred rights and solemn ordinances of their own faith, that they should despoil the temple of its accustomed reverence, and convert it to an antichamber to the Excise Office; that they should strip the altar of its purity, and make it a qualification-desk for tax-gatherers and public executioners, and that the interest of the church should be pleaded as a reason for the impious defilements, exhibits such a novelty of horror, such stupendous profanation, as never in any other instance has stained the annals of mankind. What, upon such a conduct, must be the impartial decision of succeeding times? There are persons in this Assembly, nor is their number small, whose names cannot perish with the age which gave them birth; to them, at least, it is of moment to consider what will be the judgement of that tribunal of posterity, whose final decision no passion can disturb, no fears can terrify, no hopes can seduce. To their unerring wisdom shall

shall we [illegible] that the Sacramental Laws are essential to the support of an established church? The experience of Ireland falsifies that plea; or shall we say that in common policy a religious Test is essential to the maintenance of civil institutions? The experience of all Europe refutes the extravagant assertion; or shall we insult their patience by assuming to ourselves the attributes of Deity, and pretending a right to judge of the guilt or innocence of human thoughts independently of human actions?

For the credit of the present age I should be sorry that such principles should be recorded, and I know not of any other on which the Sacramental Laws can be defended. Before I conclude, it gives me much satisfaction to observe, that the right honourable gentleman has neither denied nor controverted any one of the facts on which the claim of the Dissenters, to the solicited relief, is built. They assert, that their ancestors were not the persons against whom the provisions of the Test act were originally framed, and that they were not included in the reason, though unhappily they were subjected to the burden of the law. The right honourable gentleman does not pretend, in opposition to the title and preamble of the act, as well as to all historic records that the exclusion of the Dissenters from civil and military offices was the purpose for which that Act was designed. They also alledge, that the Test act was passed under an implied, but strong and equitable pledge, that relief from its restrictions should be given to the Dissenters. A pledge which the Parliament who passed that act, though their efforts were defeated by the arts of the Court, repeatedly endeavoured to redeem. This fact also the right honourable gentleman does not attempt to dispute. They further maintain that the Corporation act was passed in a season of turbulence and national distress; that its provisions were not more hostile to the Dissenters than to the Constitution itself, and that the reasons on which the act was founded have long since ceased to operate. This fact also the right honourable gentleman has not attempted to disprove. Thus, Sir, I have endeavoured to shew, that the facts on which the Dissenters have built their claim are unrefuted and unquestioned, and that the arguments which they have advanced, are opposed on such principles alone as would justify, and have often produced, the worst extremes of persecution.

In all that I have said, I have submitted to the judgement of the House those considerations alone which have governed my private conviction; for as a friend to justice, I wish relief to the injured; as a citizen devoted to the State, I am anxious to unite in the general defence all those who are willing to hazard their lives for the general safety; and as a

member

member of the Church of England, I am solicitous to relieve her from reproach, perfectly convinced that she must be weakened in proportion as she is dishonoured, and that her permanent prosperity can never be derived from power founded on oppression.

Mr. *Powys* observed that as he had always considered the question, whether the Test and Corporation acts should continue in force or be repealed, of so serious and important a nature, that merely to give a silent vote on the occasion, would not suffice, he had withdrawn from the House, in the two last sessions, previously to the decision upon motions similar to the present, because he had not been able, at either time, to embrace an opportunity of delivering his sentiments. Conceiving, however, that it was now the particular wish of the people to know the sentiments of their representatives on the question, he was desirous of being honoured with the attention of the House, whilst he proceeded to some remarks which, he believed, would neither prove extremely acceptable to those who anxiously supported the question, nor to such gentlemen who as strenuously resisted it. He was by no means ready to go the length of the right honourable gentlemen (Mr. Pitt) over against him, in asserting that the Test and Corporation acts took nothing from the Dissenters, and excluded them from nothing that was important; but he was as little willing to admit the claim of the Dissenters upon such grounds as it had been rested on that day. The two acts had been blended together; in his opinion, they would have been well worthy to have been made objects of distinct discussion, because they stood on different grounds. With regard to toleration, every gentleman in that House was, he believed, a friend to it; tender consciences ought undoubtedly to be treated with every possible regard and attention; but by religious toleration, as he had ever conceived, was meant the granting a right to every man to profess his religious opinions openly, to worship God in his own way, and to breed up and educate his children in his own faith. That was what toleration meant as extended to Dissenters in their individual capacity, and he thought they could reasonably expect no more. If Dissenters, however, chose to go out of their individual capacity of private men, and wished to hold offices of trust, in that case the House surely would agree, that the State had a right to impose what qualifications it thought proper on those who were to exercise its offices of emolument and authority. The Test act was an act that certainly did contain a variety of pains, penalties, and disabilities, extending to the Dissenters indeed, but professedly aimed rather at the Roman Catholics. Among other disabilities was that of a Roman Catholic being seen in the

Mr. Powys.

presence

presence of the King, or at Court; this, as well as several others of an extraordinary nature, was certainly carrying religious prejudices a great way; but, in the present case, with regard to the Dissenters, the question he considered as a question of power, agitated upon a claim made by the Dissenters; a pretty singular claim! and in that light it ought to be viewed. If the Dissenters, therefore, wished for power, they could not reasonably expect to receive it on terms different from those which other persons, admitted to power, were obliged to undergo. They all well knew, that every magistrate, of every description, from the lowest to the highest, was obliged, previous to his admission to office, to give a test of his attachment to the establishment in Church and State by taking the sacrament. The Sovereign on the throne, who was, in fact, the first magistrate in the country, and the source and fountain of all subordinate place and power, was himself obliged to give the public a test of his future faithful discharge of his duty in his administration of the executive government of the country; and could it be maintained by fair argument, that the Dissenters had reasonable cause for complaint, when they, by the Test and Corporation acts, were put to no greater hardship, than that to which every other person holding an office of trust and power was obliged to submit?

A right honourable gentleman (Mr. Fox) had laid it down, that the true mode of judging of men's opinions, and the probable danger that might result from them, was not by inferences drawn from their known sentiments, but by their effects and overt acts. To this he could not subscribe, because it went a great deal too far. Did not they all know that one of the first duties of government was to prevent dangers to the civil constitution, and not to wait till it broke into act? Upon what other principle did the famous Exclusion bill rest, than the apprehensions of the Legislature that the Duke of York, from being known to be a Papist, would endeavour to subvert the civil constitution of the country, to which the doctrines of the Popish religion were notoriously inimical? The Duke of York had committed no overt act, and his conduct when James II. proved the prudence and precaution of those who had supported the bill of Exclusion. With regard to the principles of toleration advanced by the right honourable gentleman, the right honourable gentleman did not seem to be aware to what an extent they might be pushed, and that it was not the Dissenters alone who would be entitled to hold offices of trust and power, if the principles he had lain down and argued from were to be admitted, but Dissenters of every denomination: the Jew, the Mahometan, the disciples of Brama, Confucius, and of every head of a

sectary.

sectary. [Mr. Fox cried *Hear! Hear!*] Mr. Powys observed, that the liberality of the right honourable gentleman's mind would not permit him to refuse his assent to an observation, which surely proved, that great inconvenience, and some danger to our civil constitution, might arise from suffering men of different religious persuasions from the establishment to find their way to places of great trust and importance. As to the state of representation in Parliament, he was ready to admit, that from accident and lapse of time, it certainly had become incomplete and irregular; but irregular and incomplete as it might be, when the representation was once collected, and they were met in the House, where they became a branch of the Legislature, acting for the good of the whole, the machine rolled on safely, and every end was fully answered, and so it would continue to be as long as the several branches of the Legislature kept within their proper limits and did not encroach on each other. Mr. Powys declared himself a warm admirer of the Church Establishment of this country, and remarked that the House, from its majority being churchmen, in the proportion of greatly more than ten to one, was a proof that the people in general were of his opinion with regard to the Established Church; and should the majority ever consist of Dissenters, they would undoubtedly obtain an extension of immunities. Mr. Powys concluded by observing, that he conceived that there ought to be some sort of Test or other for the Dissenters, and therefore he considered it as his duty to vote against the present motion, under the firm persuasion, that should it succeed, it must, as the natural consequence of having removed all Tests whatever, abolish the whole difference of situation between the Dissenters and those of the Established Church.

Mr. Yorke.

Mr. *Yorke* observed that when an honourable gentleman (Mr. Beaufoy) proposed, in the year 1787, a motion of a similar tendency to that which was actually under the consideration of the House, he thought it a motion which the House might have complied with, provided that the security of the Church were not likely to be impaired by such a compliance, and that the complete and permanent satisfaction of the Protestant Dissenters would be the probable consequence of it. He considered those as objects of great importance to the tranquillity of the country, which it was necessary for the House to attend to at all times, and particularly at the present moment. In voting for the motion of the honourable gentleman, he looked to those objects with some anxiety, and though, upon a full consideration of the circumstances under which the present motion was introduced, he could not give it the same conscientious support that he had

 formerly

formerly done; yet he confidered the fatisfaction of the Diffenters fo extremely defirable, that if a repeal of the Teft laws would infure that object, he fhould think it a proper conceffion, if it could be made confiftently with the fecurity of the ecclefiaftical and civil eftablifhments of the country. But, he could not affent to a motion for a direct and unqualified repeal, efpecially as the right honourable gentleman had controverted the propriety of fubftituting any other fecurity inftead of that which he was defirous to remove. The prefent laws had exifted fo long, that they might almoft be confidered as ancient land-marks of the Conftitution; they had been frequently fo regarded in the beft of times, as at the revolution, as after the acceffion of the Hanover family, when the act againft occafional conformity was fo properly repealed. The public merits of the Diffenters had been alleged as a reafon for repealing thefe laws. But though the utility of their conduct in many inftances muft be acknowledged by every one who had ever looked into the hiftory of this country, yet, it could hardly be ftated that this was of itfelf a fufficient reafon for admitting perfons of every defcription into offices of truft and power without paying attention to their political opinions. An honourable gentleman (Mr. Powys) had ftated that every regard was due, and that every attention ought to be paid to tender confciences. In this idea he moft heartily concurred; and, perfuaded that a prudent and well-timed relaxation in fome particular points would contribute to the fecurity of the Church, and redound to the honour of the promoters of fuch a remiffion, he fhould rejoice to fee a propofition for fome reform in the articles of faith, and in the formalities of the liturgy, voluntarily brought forward by thofe from whom it would come with the greateft propriety.

Mr. Burke — Mr. *Burke* obferved, that at two preceding periods, when the queftion had been agitated, he had abfented himfelf from the Houfe, not having brought his mind to any decifion on the fubject, and even yet he had not been able to fatisfy himfelf altogether, though certainly in a much greater degree than before, when he could not lay hold of any one ftraight forward principle for the better guidance of his judgement. He was now, however, from information lately received, ready to fay why he could not vote for his right honourable friend's queftion. In every difcuffion relative to religion, he was forry to fee the appearance of any thing like party fpirit, becaufe he thought fuch fubjects ought not to be mingled nor contaminated with party, but argued on their own grounds folely; every individual Member, whatever his political fentiments might be, and however they might differ from thofe of other gentlemen, ought never once to fuffer them

them to prejudice his judgement; neither did it become him to allude to them in argument. It had given him concern, therefore, to observe that a right honourable gentleman, (Mr. Pitt) had directed a personal sneer at his right honourable friend in invidiously putting the case, that if a man of his (Mr. Fox's) bold and enterprising character were to come into power as a Minister, and countenanced the Dissenters, they might obtain a footing in places of great trust, and thus become capable of endangering the safety of the civil constitution of the State. The manner in which his right honourable friend had opened and argued the question, and the many very weighty and sound arguments he had brought forward in a manner so open and clear, might, he should have imagined, have rescued his right honourable friend from such a sarcasm; he was, he owned, the more surprized, because there had been a Minister who formerly enjoyed a seat in that House; and this very Minister held publicly in the House of Lords, and in the face of the Bishops, a language respecting churchmen, and the doctrine and ritual of our established religion, ten times more broad and gross than any thing his right honourable friend had said of the high churchmen in former days. The Minister to whom he alluded had been a man of brilliant talents and acknowledged abilities; a Minister who had directed the government of this country with great glory to its national character, and great safety to the constitution, both in church and State. The Minister in question, was the late Earl of Chatham, who, in the House of Lords, had used these words:

In the debate occasioned in the House of Lords, by the second application, Dr. Drummond, the Archbishop of York, having called the Dissenting Ministers "men of close "ambition," Lord Chatham said, "that this was judging "uncharitably, and that whoever brought such a charge "against them, defamed." Here he paused, and then went on—"The Dissenting Ministers are represented as men of "close ambition. They are so, my Lords; and their am-"bition is to keep close to the college of fishermen, not of "Cardinals; and to the doctrine of inspired apostles, not to "the degrees of interested and aspiring Bishops.—They "contend for a spiritual creed, and spiritual worship. We "have a Calvinistic creed, a Popish liturgy, and an Armi-"nian clergy."

Thus had that noble Lord selected the worst names of other religions, and applied them to our church and liturgy. The Earl of Chatham was always regarded as the protector of the Dissenters, and yet he had never heard that the safety of the Church had been once thought in danger during his

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administration. At his death it was generally conceived that he had left the protection of the Dissenters, with his mantle, to a noble Earl in the other House. That noble Earl had since been at the head of the government of this country, and the right honourable gentleman over the way (Mr. Pitt) had been, at the same time, in Administration, and no complaint had nevertheless been made when that Administration ceased, that the Church was left less safe by the noble Earl. An intimate and worthy friend of his, the late Sir George Saville, had also been an avowed friend to the Dissenters, and yet he verily believed that had Sir George Saville ever been first Lord of the Treasury, he would have thought it his duty to protect the established church, and save it from the least innovation; it was among a Minister's first duties. The right honourable gentleman, therefore, had no ground whatever for imagining or suggesting, that if his right honourable friend were to be a Minister, therefore, he being avowedly a friend to the Dissenters, the safety of the church would become endangered. His right honourable friend, (Mr. Fox) Mr. Burke observed, had rejoiced that the lower House of Convocation had not been convened; but Lazarus only sleepeth, he is not dead, was a fact which ought to be remembered. The lower House of Convocation was not out of existence; it lay dormant, indeed, and in a state of dormancy, in his mind, it ought always to continue, unless when some real and great question, alarming to the safety of the church, rendered its meeting necessary. His right honourable friend had begun his speech with laying down the principles of toleration and of persecution; all persecution, civil or religious, was horrible; but care ought to be taken that men did not, under colour of an abstract principle, deceive even themselves. Abstract principles, as his right honourable friend well knew, he disliked, and never could bear; he detested them when a boy, and he liked them no better now he had silver hairs. Abstract principles were what his clumsy apprehension could not grasp; he must have a principle embodied in some manner or other, and the conduct holden upon it ascertained, before he could pretend to judge of its propriety and advantage in practice. But, of all abstract principles, abstract principles of natural right (which the Dissenters rested on, as their strong hold) were the most idle, because the most useless and the most dangerous to resort to. They superseded society, and broke asunder all those bonds which had formed the happiness of mankind for ages. He would venture to say, that if they were to go back abstractedly to original rights, there would be an end of all society. Abstract principles of natural right had been long since given up for the advantage of

having, what was much better, society, which substituted wisdom and justice, in the room of original right. It annihilated all those natural rights, and drew to its mass all the component parts of which these rights were made up. It took in all the virtue of the virtuous, all the wisdom of the wise. It gave life, security, and action to every faculty of the soul, and secured the possession of every comfort which those proud and boasting natural rights impotently held out, but could not ascertain. It gave alms to the indigent, defence to the weak, instruction to the ignorant, employment to the industrious, consolation to those who wanted it, nurture to the helpless, support to the aged, faith to the doubtful, hope to those in despair, and charity to all the human race; extending itself from acts of tenderness to the infant when it first cried in the cradle, to acts of comfort and preparation to the dying man on the way to the tomb. Such were the advantages attributable to society, and also deducible from the church, which was the necessary creature and assistant of society in all its great and most beneficial purposes. Mr. Burke professed his peculiar regard and reverence for the established church of this kingdom, and spoke of the necessity which existed to preserve it safe and entire at a time like the present, when he contended there was not merely a false alarm calculated to answer some purpose of mischief and oppression meditated on the established church herself, but strong and warrantable grounds of serious apprehension for the church's safety. He did not clearly understand what his right honourable friend meant, but he believed him to concur in opinion with him, that men were not to be judged of merely by their opinions, but by the conduct which they held compared with their opinions. His rule ever had been to trace effects to their causes, and thus by recurring to first principles, judge, as his right honourable friend had well argued it, *a posteriori*, of the facts which followed. It was, therefore, by the conduct of the Dissenters that he judged of them, by their acts, their declarations, and their avowed intentions.

That he might not be charged with calumniating the Dissenters, whom he had formerly espoused with the utmost zeal, when, with Sir George Saville, he had contended for their cause, in respect to the bill last passed in their favour, some fourteen years ago, but whom he now accused of conduct, and of asserting doctrines which threatened the most imminent danger to the future safety, and even the very being of the Church, he would recur to facts, and produce such proofs of what he asserted, as should put the matter beyond a doubt, and establish, to the satisfaction of every man who heard him, that he had attended very sufficiently to the

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broad and clear distinction between the fears of a man alarmed on the reasonable conviction of the approach of real danger, and those kinds of terror which originated in mere cowardice and unmanly weakness, before he admitted the apprehension that filled his mind at present. Mr. Burke, after a definition of the three distinct points of view in which danger from any quarter to the church was to be considered, as to its nearness, its imminence, and the degree of mischief to be dreaded from it, proceeded to establish facts, as he called them, which would, he said, prove the extent of each of the three divisions into which he had resolved the consideration. His first great proof was the production of two printed catechisms circulated by the Dissenters for the use of young non-conformists, written by Mr. Robinson and Mr. Palmer. The first catechism, he observed, contained no precept of religion whatsoever. It consisted of one continued invective against Kings and Bishops, in which every thing was misrepresented and placed in the worst light. In short, it was a catechism of misanthropy, a catechism of anarchy, a catechism of confusion! grossly libelling the national establishment in every part and passage; and these catechisms were to be put into the hands of Dissenters' children, who were thus to be taught in their infancy to lisp out censures and condemnations against the established church of England, and to be brought up as a rising generation of its determined enemies, while, possibly, the dissenting preachers were themselves recommending the same sort of robbery and plunder of the wealth of the church as had happened in France, where some men were weak enough to imagine a happy revolution had taken place; but where he knew the most miserable system of Government at this moment prevailed that ever disgraced the annals of Europe. Mr. Burke dwelt on the destruction of the establishment of the French church as a circumstance peculiarly shameful and scandalous. Those who had compared the church of Rome to the whore of Babylon, the kirk of Scotland to a kept mistress, and the church of England to something between a prostitute and a modest woman, would probably be preaching up the same doctrines to their congregations, while the rising race of Dissenters were, perhaps, imbibing those principles so pernicious in themselves, and so dangerous to the safety of the established church of this country; and how could he tell but that it would end in the acting the same shameful scene, respecting the plunder of the wealth and revenues and the accompanying demolition of our church, as it had done in the case of the church of France? A hint of the use to which the wealth of our church might be appropriated, had been given, during the American war, by a noble Duke (of Richmond) in the House of Lords, when

when a Bishop was speaking in favour of that war, the noble Duke, in reply, mentioned the millions the war had cost the country, and said, as money must be had, the country knew to whom they might resort for it. The noble Duke, therefore, advised the Bishops to beware what conduct they pursued. Mr. Burke considered this as a suggestion which the Dissenters might, on a new hint, improve on, and thence induce the mob to view the wealth of the church as a better object than the bribes of election candidates. Mr. Burke produced the books of catechism, of one of which (a political catechism) he read the title, with an entry from the general meeting at Harlowe, where all the Dissenters of that division assemble, declaring their approbation of the work, and their resolution to circulate and recommend it in their division. Mr. Burke read also two or three passages pointed at the church establishment. Having laid great stress on these, he produced a letter which, he declared, had only come to his hands the preceding day, written by Mr. Fletcher, a Dissenter, from a meeting of dissenting Ministers, holden at Bolton, in Lancashire. Mr. Fletcher stated in his letter, that the meeting avowed such violent principles, that he would not stay, but came away with some other moderate men. It described, that one Member, on being asked what was their object, and whether they meant to seek for any thing more than the repeal of the Test and Corporation acts, answered, in the language of our Saviour, "We know "those things which ye are not yet able to bear." And on another Member's saying, "Give them a little light into "what we intend," they informed him, that they did not care the nip of a straw for the repeal of the Test and Corporation acts, but that they designed to try for the abolition of the tythes and liturgy. Mr. Burke then mentioned Dr. Priestley's declaration, "that he hated all religious establish- "ments, and thought them sinful and idolatrous," and he produced a letter of Dr. Priestley's*, in which the Doctor talks

* *The following Extracts from a preface to a late publication, entitled "Letters to the Rev.* Edward Burn, *of St. Mary's Chapel, Birmingham." By Dr.* Priestley.

"On this account, I rejoice to see the warmth with which the cause of orthodoxy, (that is, of long-established opinions, however erroneous) and that of the hierarchy, is now taken up by its friends; because, if their system be not well founded, they are only accelerating its destruction. In fact, they are assisting me in the proper disposal of those grains of gunpowder, which have been some time accumulating, and at which they have taken so great an alarm, and which will certainly blow it up at length; and, perhaps, as suddenly, as unexpectedly, and as completely, as the overthrow of the late arbitrary Government

talks of a train of gunpowder being laid to the church establishment, which would soon blow it up, if the danger were not avoided by the friends to the establishment; the Doctor

ment in France. If an inhabitant will not submit to a thorough examination and reasonable repairs of the building he occupies, the consequence must be, that, without gunpowder, or even a high wind, it must some time or other fall, and happy may he think himself, if he can escape unhurt from the ruins. If this should be the case with the church of England, the Clergy cannot say that they have had no warning. They are labouring for its destruction more than I am. If I be laying gunpowder, they are providing the match, and their part of the business seems to be in greater forwardness than mine."

"What a contrast is now exhibited between the two rival nations of France and England, and how may Englishmen blush to look upon it.

"Another foolish and unjust war, like that with America, which was chiefly urged by the clergy, (and such another, if the Court proposes, the clergy will certainly second) can hardly fail to bring their affairs to a crisis *. If they be wise, they will consider the signs of the times, and be very temperate in all their proceedings. *Fas est et ab hoste doceri.*

"Let them take care, lest by too vigorously resisting our application for what was never intended to hurt them, and what in itself cannot possibly hurt them, they should, by their own violence, do themselves the most serious evil. I have always been an avowed enemy of all civil establishments of Christianity, but many Dissenters are not so. I foresee, however, that they soon will be, and that by means of these discussions, the sentiment will become more general in the nation at large. It begins to be adopted even by the Catholics.

"The utility of ecclesiastical establishments, is a question that it behoves the clergy always to keep out of sight as much as possible. But their rage against the Dissenters will obtrude it on the Public, and, in consequence of this, if they proceed as they have begun, I should be sorry to insure their system twenty years longer. Whether I be more pleased, or displeased, with their present violence, let them now judge. The greater their violence, the greater is our confidence and final success."

"If any person, whose eye it may catch, (the preface) take an useful hint from it, it will be well; but an old and true proverb says, "Experience keeps a dear school, but fools will learn at no other." Nations, and all great bodies of men, are generally in this situation. They will learn very little, except in this dear school."

* "When I was attending a debate in the House of Lords, in the course of the American war, and one of the Bishops was taking the part of the Minister in it, the Duke of Richmond suddenly rose, and bade the Bishop beware of war. "War," said he, "is attended with expence; and if we be distressed, "and must have money, we know where we may get it." Indeed, the addition of one hundred and fifty millions to the national debt, occasioned by that war, (which may be called a war of the Court and of the Clergy) I consider as a great step towards the destruction of hierarchy. How powerful an instrument of reformation a heavy national debt may be, we see in a late glorious revolution in France. May all great evils produce as great a good."

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adds, "and if that danger were avoided, and they refused to "repeal the Test and Corporation acts, the establishment "would soon tumble about their ears." Mr. Burke animadverted on the doctrine contained in the letter just read by him, which he considered as a serious indication on the part of Dr. Priestley, at least, of a determination to proceed step by step till the whole of the church establishment was levelled to its foundations. Mr. Burke, lastly, produced Dr. Price's sermon, whence he read an extract; observing, afterwards, that he agreed with his right honourable friend (Mr. Fox) that the church and the pulpit ought to be kept pure and undefiled, and that politics should not be adverted to in either. With equal propriety might theological discussions, he said, be taken up in that House, and questions solely religious be debated there. From the proofs he had adduced, consisting of the extract from Dr. Price's sermon, the letter of Dr. Priestley, the avowed language of that Divine relative to religious establishments in general, the catechisms of Mr. Robinson and Mr. Palmer, and the letter of Mr. Fletcher, he drew this inference—that the leading preachers among the Dissenters were avowed enemies to the church of England; that they acknowledged their intentions, and that thence our establishment appeared to be in much more serious danger than the church of France was in a year or two ago. Mr. Burke reminded the House, that nothing could have been, to all appearances, more safe and secure, than the hierarchy of France, at a very short period since; every thing, therefore, that fell short of the present danger of the church of England, ought to be regarded as a symptom of serious apprehension, and to challenge new caution and additional care. He could not admit that his right honourable friend had, with any sort of justice, ascribed the fatal incidents that had attended the church of France, plundered and demolished in so disgraceful a manner, to the punishment which Providence, in its wisdom, had allotted for the wickedness and cruelty of the French Government evinced in the revocation of the edict of Nantz. Such an idea was chimerical and profane. Was it consistent with the justice of Providence to punish Louis XVI. for the crime of Louis XIV? As well might it be argued, that the danger which now threatened the church of England was a punishment inflicted by the hand of Providence on this country for the persecutions of Laud, Bishop Whitcliffe, and all the horrid cruelties, burnings, and murders, perpetrated under pretence of religious zeal in distant periods of our history! A right honourable gentleman (Mr. Pitt) had shewn the most laudable attention to the preservation of our religious establishment. It was peculiarly the duty of any Member of that

House, standing in the right honourable gentleman's situation, to guard with anxious care an object so intimately connected with the State as the church of this country, and the right honourable gentleman had discharged this duty with great zeal and with great ability. That House also had the same duty imposed on them; they were equally bound to watch over the church with due and constant attention, and this appeared to be a moment peculiarly requiring their interference. Had the question been brought forward ten years ago, Mr. Burke said, he should have voted for the repeal. At present, in his opinion, a variety of circumstances made it appear imprudent to meddle with it. For the Dissenters, as a body, he entertained great esteem; there were among them many worthy and most respectable individuals. If they would come fairly forward, he would meet them, and let their actual desire and meaning be ascertained; he, for one, should be glad to sift their object, and if it were such as a rational Legislature could safely grant, he, at least, should have no objection. With several Dissenters he had long lived in the greatest intimacy and happiness. Indeed, they were among those of his friends whom he valued most highly; but at present, if the Test and Corporation acts were repealed, some other test ought to be substituted; the present he had always thought a bad and an insufficient test for the end which it was meant to accomplish. He was convinced that it was an abuse of the sacramental rite, and the sacramental rite was too solemn an act for prostitution. Where conscience really existed, it ought not to be wounded. By wounding a man's conscience, they annihilated the God within him, (if he might be allowed so to express it) and violated him in his sanctuary. He professed himself ready to grant relief from oppression to all men, but unwilling to grant power, because power once possessed was generally abused. He declared that he had a draft of anothar test in his pocket, and he had formed an idea of moving the previous question, with a view afterwards to move for a Committee to examine into the conduct of the Dissenters, the doctrines respecting the established church which they had recently avowed, and all that part of their conduct, to which he had adverted, as matter of established fact, and not of vague or wild assertion. He was desirous of proceeding regularly, and with a due regard to parliamentary forms. He did not wish the House to rely on his facts, before he had established them by proof, of which he knew them to be capable. If, however, they should, upon investigation, not appear to be founded, he would hold himself bound to vote for the repeal of the Test and Corporation acts. Mr. Burke said, he would be entirely bound by the House; if they

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ſhould think the beſt way of laying the queſtion at reſt, would be by coming to a vote upon the motion, he would ſubmit. [A loud cry of hear! hear!] But if the Houſe ſhould be of opinion, that it would prove better to move the previous queſtion on the preſent motion, and inſtitute a committee, ſo as to afford the Diſſenters an opportunity of refuting what he had aſſerted (which he owned, he himſelf thought the moſt eligible mode of proceeding) he would purſue that. Mr. Burke, to provoke the caution of the Houſe, inſtanced Lord George Gordon's mob, and the dangers which were then likely to have enſued under a blind idea that they were acting in ſupport of the eſtabliſhed religion, when they were endeavouring to enforce the moſt intolerant perſecution, and when they had nearly levelled the conſtitution in church and State, the rabble having ſurrounded that Houſe, and created a moſt ſerious alarm leſt the national credit ſhould be deſtroyed by their demoliſhing the Bank. In a leſs important part of their conduct, alſo, they had markingly deſcribed their drunken folly and irrational conduct, by ſelecting the Judges and Biſhops for the peculiar objects of their vengeance.

Mr. *W. Smith* obſerved, that he need not expreſs his wonder that the right honourable gentleman ſhould have applied ſo many harſh and unmerited epithets to a meritorious and reſpectable body of men, who had by no part of their conduct deſerved to be treated with ſo much ſcurrility, when he recollected that the ſame right honourable gentleman had attacked a whole nation, while engaged in the very act of ſtruggling for their liberties, and called them "an irrational, unprincipled, proſcribing, confiſcating, plundering, ferocious, bloody, and tyrannical democracy." Mr. Smith added, that he would not detain the Houſe with going into a minute anſwer to the whole of a ſpeech, which indeed was not worth an anſwer, but would merely content himſelf with ſaying a word or two to a few points which abſolutely required ſome reply. Mr. Smith then ſaid, that being one of the minority of that Houſe alluded to in the debate, by being a Diſſenter, and having all his life mixed with the Diſſenters, he conceived that he ought to know ſomething of their principles; but he declared upon his honour, that he never heard any thing of the principles imputed to the Diſſenters by the right honourable gentleman. With regard to the political catechiſm, ſo little was it countenanced, that he had never ſeen it before the right honourable gentleman had produced it that day; Mr. Robinſon, Mr. Smith ſaid, was a man of very extraordinary ability, but a very eccentric man, and a man by no means looked up to by Diſſenters as a perſon qualified to lead them as a body, though a man Mr. W. Smith.

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of very fair character. With regard to the Easter Association, he had never heard of it, which was rather extraordinary, as he had, for the last five years, been in possession of a house within two miles of the place. In respect to Dr. Priestley's Letter, if gentlemen would read it considerately, they would see that the alarming point of view in which the right honourable gentleman had placed it, was wholly owing to the artful manner in which the right honourable gentleman had contrived to supply it with inuendos. The text was sufficiently innocent, but the right honourable gentleman had been ingenious enough to cram it with inuendos of the most violent and inflammatory nature. It was true, the train of gunpowder was mentioned, but that was because Dr. Priestley, finding the manner in which his mention of the train of gunpowder had been misunderstood and misrepresented, was necessarily obliged to introduce the mention of it again in order to explain, that his gunpowder was nothing more than a figurative expression, and only meant reason and argument. Mr. Smith was proceeding to give farther replies to the different parts of Mr. Burke's argument, but being informed that the latter gentleman was not in the House, he declared that he would save the time of the House by abandoning an argument which was so self-evidently inapplicable and incongruous, that it was not indeed necessary to have offered a reply to it. With regard to the observation of an honourable gentleman, (Mr. Powys) that a Dissenter being obliged to take the test, on entering into office, was nothing more than undergoing the same forms which every Magistrate, from the most inferior, up to the Sovereign himself, was obliged to undergo, he should beg leave to answer that the cases were by no means parallel. The Sovereign, taking his coronation oath, could not be compared to a Dissenter's being compelled to take the sacrament.

Mr. Smith — Mr. *Smith* (Member for Worcester) remarked, that he found himself in a predicament in which it was necessary to give a vote different to what he gave upon a former occasion. He felt it a duty incumbent upon him to follow the wishes and instructions of his constituents, whenever he could obey them consistent with the duty which he owed to his country at large. If, in voting against the present question, he should deprive, for a time, a numerous body of loyal subjects, of certain rights to which they conceive themselves entitled, but of which a jealous apprehension of ecclesiastical security had found it expedient, in less enlightened days, to deprive them, he did but yield an acquiescence to the opinion of many able men, who oppose the repeal of the acts, of which the Dissenters complain, and consent to their continuing

nuing in force, in compliance with the wishes of a numerous and respectable body of his constituents, who are not as yet convinced, that the necessity which made it wise and expedient to pass them, has entirely ceased to exist: in obeying, therefore, their instructions, which it was his duty to do, he could not do an injury to his country. He must take notice of an argument, or rather an assertion, which had been pressed with force in the debate, that it is at the eve of a general election the Dissenters take an opportunity of applying for a redress of their grievances. If that argument or assertion were intended to have any weight against them, it must be by an insinuation, that they mean by their influence at elections, to awe and bias a determination, contrary to the cool judgement and opinion of many Members. No assertion could be more ill founded, and for many reasons, a very strong one was, that the Dissenters, forming but a small body, in comparison with those who were in full possession of their natural rights, could not, by any means, make it a popular question. Another reason was, that it appeared not the kind of question likely (against old prejudices) to catch support at first sight, but must depend for its advocates upon the cool and deliberate judgement of men, attentively considering the necessity of restrictive laws, at the time they were enacted, and comparing that necessity with the present times. There was another reason against its being a popular question (unless a new mode of reasoning could arise, different from the feelings and experience of all ages and parties which ever existed) that a majority should complain, because a minority are not admitted to an equal participation of rights with them; he could at least bear testimony to the views and intentions of the Dissenters, and to their liberality of sentiment. Their directions were not of the compulsive kind, or formed to gain any advantage from the times, as a large and respectable body of them among his constituents had not wished him (though they by no means relaxed in their claims upon the justice of parliament) to persevere against the instructions of a more numerous, as well as a very respectable meeting of constituents, even in support of their pretensions, and his former vote for the repeal.

Mr. *Wilberforce* said, that had he been able to catch the Speaker's eye earlier in the day, he should have gone at large into the question; but, that, having been in the House ever since eleven o'clock in the morning (with a short interval) he was too much exhausted to take up the time of the House for more than a very few moments (it being past one o'clock) yet he felt that it became him, in his situation, not to give altogether a silent vote. He rose, therefore merely to declare, Mr. Wilberforce.

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clare, that he ſhould decidedly vote againſt the motion of the right honourable gentleman, to whoſe alluſion, alſo, to himſelf it had been his intention to reply, and he truſted in a manner perfectly ſatisfactory, but that likewiſe he muſt leave for the preſent. The queſtion was now brought into a narrow compaſs; an eſtabliſhment of religion was conceived to be advi eable at leaſt, if not neceſſary, and the only thing at iſſue was, whether this would be endangered by granting the Diſſenters requeſt, under all the circumſtances of the preſent caſe and the preſent time; it was his firm conviction that it would, and therefore he ſhould reſiſt the application.

Mr. Tierney. Mr. *Tierney* obſerved that, as he repreſented a borough in which there were ſeveral hundreds of Diſſenters who were his conſtituents, he thought it his indiſpenſible duty to riſe and reſcue them from the imputation of forcing a Teſt on their repreſentative. Mr. Tierney declared, that he had never any connection with Diſſenters otherwiſe than with his conſtituents; but that though there were ſo many of the Diſſenting claſs, they had not attempted to impoſe any Teſt upon him: on the contrary, they had informed him, that, after his election they ſhould be glad to ſee him, and talk with him on the ſubject, wiſhing him to vote for the repeal, unleſs he had any particular objection.

Sir Wm. Dolben. Sir *William Dolben* remarked that he felt it indiſpenſibly requiſite to riſe and reſcue the clergy from the imputations which he conceived to have been caſt upon them by the right honourable gentleman (Mr. Fox) in his obſervation on the conduct of the high churchman, at different periods of our hiſtory. Sir William adverted to the conduct of our clergy in the reign of Charles the Firſt, and contended that they had ſtood by the Monarch and the legal Government, till, by the machinations of the Diſſenters, the Prince, the State, the Church, and even the Conſtitution itſelf, had been involved in one common ruin.

Mr. Fox. Mr. *Fox* roſe to reply, with obſerving, that however exhauſted and fatigued he might feel himſelf from the length of the debate, at that late hour, yet with the ſtrength he had remaining, he would exert his beſt endeavours to anſwer every argument that had been advanced againſt the motion which he had that day the honour to make. There had been certain prints in which he had been miſunderſtood, and many of his arguments unfairly ſtated. This might be owing to an inaccuracy in his method of laying down his poſitions, and not to any intention of miſrepreſenting his argument. He had contended, upon the principle of toleration, that we were not warranted in deducing inferences from men's opinions contrary to their profeſſions; unleſs their conduct and principles diſagreed. The Chancellor of the Exchequer

Exchequer had gone the length of arguing that we might deduce inferences from our own opinions of the effect of the conduct of an adversary, without attending to his actions, whereas we ought to give every man credit for his conduct, until his actions contradict his professions. The Dissenters ask for a simple repeal of the Test Laws. The Minister's argument went upon this ground—If the Dissenters obtain the object of their present application, they would be encouraged to grasp at more; and there was reason to apprehend from their principles they would not relax in their endeavours, until they had compleatly subverted the present establishment. But this was not the declaration of the Dissenters; it was merely the unfair inference of the Minister, judging of evil intentions from men's opinions, and not from their actions. From the argument of the right honourable gentleman last year, and the points upon which he had then principally insisted, he had been induced to meet his objection, and therefore he had set out with laying down the principle of toleration in opposition to that of persecution. In explaining himself upon this subject, he had endeavoured to prove, that if the principle of persecution, as generally received and understood, was originally a right principle, then it would follow that the bloody transactions which took place in the reign of Charles IX., such as the massacre of Paris, and the murder of the Protestants; as well as the cruelties of Smithfield, and other places, were all mild, benevolent, and merciful acts. If the original principle of persecution extends to such unjustifiable enormities, must it not be palpably wrong? He then abandoned such a principle as untenable; and argued upon that of toleration. But in calling the repeal of the Test laws a question of toleration, he might not be strictly accurate. Though it might not come within the extent of the true principle of religious toleration, yet of this he was confident, that it was a question of justice, upon which the claim of the Dissenters was well-founded, to the indulgence of the House.

Upon this nice and subtil distinction, however, an objection had been urged by the right honourable gentleman against his motion, which was nothing but specious sophistry and inconclusive reasoning. He should ever protest against the principle of prejudging the conduct of another from his opinions, when his conduct and declarations were directly the reverse—to say any man intends mischief when he professes friendship, and especially if his conduct accord with such a declaration, was very unfair and unjust. A resemblance had been attempted to be drawn between a religious Test and an oath. But in what did it consist? In taking an oath, it is true, a man made a religious appeal; but it always

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ways was an appeal to his own religion. A Jew was sworn upon the Old Testament; the greater number of Christians upon the Evangelists; the Quaker by his own affirmation; and the Mahometan upon the Alcoran. The solemnity of an oath is allowed every consciencious man, to be taken agreeable to his own particular mode of religion, where there was the analogy between a religious Test and the taking of an oath. Was it any thing like men of different persuasions, professing different creeds, submitting to the Sacramental Test? certainly not. Here the right honourable gentleman's ingenuity and sophistry must also fail him.

An honourable Baronet had thought it necessary to enter into an elaborate defence of the respectability of the clergy as a body. Had there been attempted any general attack upon the Church! No. In speaking of the Church he had only animadverted upon its conduct, when it presumed to act as a party. He should even reprobate the principles and conduct of the high Church party, who had uniformly distinguished themselves as inimical to the constitution, and to the civil rights of the subject. But in that class of the clergy denominated the low Church, there had been men of such liberality and talents whom he should ever hold in the greatest respect. They were worthy members of the Church; had proved themselves distinguishingly instrumental in the establishment of political freedom, at the revolution. Many now in this party, he understood, were sincere friends to his motion; and had heartily joined in the intreaty of the Dissenters to bring the subject forwards He was happy to find that there were clergymen of such liberality of spirit and disposition in the present day. An honourable gentleman (Mr. Powys) had observed, that the subjects of the Test and Corporation acts had better been discussed separately. He could not forbear expressing his surprize at this observation; as the subjects of both acts were so intimately connected and involved, in his opinion, as to present themselves fitter for consideration and discussion together than separate. If they were to be viewed separately, the Corporation act appeared to him the most exceptionable in a constitutional point of light; as a restriction upon the subject in the exercise of a natural right ought to be regarded in that house with a greater degree of jealousy, than even a restriction upon the King in the exercise of his royal prerogative.

What he had heard with the greatest concern of all that evening's Debate, had been the speech of his right honourable friend Mr. Burke; It had filled him with grief and shame! Sentiments had been conveyed which he could have wished to have remained a secret for ever! Though he was indebted to his right honourable friend for the greatest share

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of the political knowledge he possessed, political education had been formed under him, his instructions had invariably governed his principles; yet mortified as he had been by his speech of that evening, he had, however, received this consolation from it, that every principle which he had laid down, had been avowed by his right honourable friend in the course of his speech. While he had stated his principles, and had argued from an application of inferences deducible from those principles, his right honourable friend had, on the contrary, taken phamphlets, private letters, anecdotes, conjectures, suspicions, and invectives, for the materials of his speech; which he had worked up with all the charms of fancy and the embellishments of oratory, for which his right honourable friend was so eminently distinguished. Such had been the grounds upon which he had founded his opposition to the motion under discussion, to which he declared he should have been a friend ten years ago. What did this prove? But that he had retained his opinion upon the subject ten years longer than his right honourable friend. With respect to the anecdotes quoted of the Duke of Richmond, having addressed a singular speech to the Bishops during the American War, he saw an analogy between that story and the argument of this day. The conduct of the Dissenters in declaring that, at the next general election, they would only support men who were well affected to the cause of civil and religious liberty, he did not see liable either to objection or censure He was astonished to hear gentlemen talk of this as a test imposed by the Dissenters upon their representatives. Did not gentleman on the other side the House declare in the course of the debate, that, in their own opinions, they were friendly to the motion; yet, in obedience to the instructions of their constituents, who were churchmen, they considered themselves as bound to oppose it. Was not this imposing a test? How different the conduct of the Dissenters, who were the constituents of the honourable gentlemen Mess Windham and Tierney, who assured them they might vote on this question according to their conscience. He wished churchmen had shewn as much liberality. In Dr Priestley's manly declaration of his individual opinion, expressive of dislike of establishments, he saw no criminality whatever. Any man might avow his dislike of any civil institution; but as long as his opinion was not brought into action there could be no criminality. If such conduct was criminal, he desired to be considered as a participator in the guilt.

The production of the letter of Mr. Fletcher from Bolton, by his right honourable friend, he acknowledged, did not a little surprise him; for if ever there was a paper which furnished an argument in favour of the question, that letter was

one. He had never heard of the name or conduct of Mr. Fletcher before; but if any argument could be depended on, that which Mr. Fletcher had urged was essential, in his opinion, towards proving, that those Dissenters who deserve well of the Legislature, ought to be separated from those who are not inclined to be content with the simple repeal of the Test laws. What had been the argument of his right honourable friend, in a debate during the American war, by which he had done himself infinite honour? It was a doctrine, *prima facie*, which appeared an absolute paradox, but founded, notwithstanding, in true wisdom and sound policy. The subject was the division of Massachusetts' Bay from the province of New York and others. "What!" said his right honourable friend, "separate Massachusetts' Bay from New "York, with a view to adopt this weak and absurd maxim, "*divide et impera*? I scout the idea—I never will consent to "it; but I will agree to the division of America." The House imagining his right honourable friend had committed a blunder, continued for some time in a roar of laughter. But what was his explanation? It was this: "I will divide "America, not by separating Massachusetts' Bay from the "other provinces, but by abandoning the disloyal and disaffected provinces, and preserving those which are well disposed to us, not by any coercion, but by granting them "all they wish for." The same prudent advice would be politic for the House to adopt in regard to the Dissenters. Separate the Dissenters—break their union—abandon those who are unreasonable—and grant to all such as are moderate all they so justly require. I verily believe, said Mr. Fox, if you repeal the Test laws, there will be an end of all farther claim of the Dissenters to the indulgence of the Legislature. But this, he desired to be understood, was only his own speculative opinion, and not any pledge offered to the House, warranted by any declaration of the Dissenters; they were at liberty to lend as much credit as they thought proper to this opinion. But how was the strange dereliction of his right honourable friend from his former principles to be accounted for? He could only ascribe it to the effect of his too great and nice sensibility; whose chief delight had always been benevolence and mercy; whose feelings had been shocked and irritated by a mistaken idea of the transactions in France, which had been nothing more than the miseries to which every country is unavoidably subject, upon every revolution in its Government, before the new constitution has acquired its full operation and establishment. The imagination of his right honourable friend had eagerly caught hold of such objects, that, in contemplating the ruin of the government, the desolation of the church, the misery of the beggared ecclesiastics,

siastics, and the general distresses of the inhabitants, he had actually lost the energy of his natural judgement, through the exquisite acuteness of his feelings; otherwise, a person of his great good sense could never have been so led astray into enmity against the just cause of the Dissenters, as a body; merely because Dr. Priestley, Mr. Palmer, and Mr. Robinson happened to differ from him in their speculative opinions. The assurance of the dissenting ministers, when the bill passed about fourteen years ago, respecting dissenting teachers and schoolmasters, that they would apply no more for themselves, had been very unfairly and disingenuously applied in argument by the right honourable gentleman opposite to him. Did the present application come, as that had done, specifically from the Dissenting Ministers? The extract read from Dr. Kippis did not go to preclude the ministers from joining their lay brethren in an application to the Legislature for a matter of general relief. The Dissenting Ministers, from the repeal of the Test laws, had no emolument to expect, nor any advantage, civil or religious, to gain. They had been perfectly consistent with their assurances; their claims, as ministers, were perfectly distinct from those of their lay brethren; and the right honourable gentleman ought not to have confounded them, in order to tax them with a breach of good faith.

The allusion to the conduct of Lord George Gordon, and the riots in 1780, he could not suffer to pass unnoticed. It was insinuated that the mob resembled the Dissenters; the fact was quite otherwise. If there were any resemblance in the case, it was this: the clergy of the established church stood in the shoes of the mob; but the Dissenters in those of the poor persecuted Roman Catholics. He remembered, with pleasure, the conduct of his right honourable friend upon that occasion; it reflected upon his character great honour and applause; for, in defiance of the rage and madness of the mob, he persevered in the laudable purpose in which the House were then engaged, in extending toleration to the Roman Catholics. The mob then were illiberally insisting upon a repeal of a good law; the members of the established church were now as illiberally objecting to the repeal of a bad law. All unprincipled mobs he should ever regard with extreme horror and indignation; their cry was still the same, whether they were peasants, gentlemen, or Bishops. Ignorance, prejudice, or fanaticism, were their general topics of declamation. From the violence of their rage, the God of peace and order ever preserve us! Mr. Fox, congratulating himself on having been selected by men who had rather acted as his enemies than friends, to fight their battles, concluded with assuring them, that so sincerely was he a friend to their

caufe, that he fhould be ever ready, on any future occafion, to take the field for them again; under the cl arefl conviction that their complaint of grievance and oppreffion, in the prefent inftance, was well founded.

The Houfe divided,

Ayes, 105; Noes, 294. Majority, 189.

The Houfe adjourned.

Thurfday, 4th March.

Mr. Jolliffe having introduced his bill for the better cultivation of the commonable lands of the kingdom; and it having been read a firft time,

Mr. Duncombe. Mr. *Duncombe* obferved that, at the fecond reading, he meant to oppofe the principle of the bill; becaufe its title, preamble, and claufes were irreconcileable.

Mr. Jolliffe. Mr. *Jolliffe* anfwered, that as the important object of the bill was the better cultivation of the furface of the whole country, he was extremely defirous that it fhould not proceed, without undergoing the fulleft difcuffion, and therefore he would not attempt to urge it to any one ftage, without the moft full and ample notice. It was perfectly immaterial to him what the means were by which the object was attained, but having introduced the bill, he wifhed the Houfe to proceed with it as their creature, and fafhion it to their own liking.

Mr. Duncombe. Mr. *Duncombe* adverted to the mode of affording a remedy to fuch as had a right of common, by a view and verdict of a jury, in refpect to its value.

The bill was, upon motion, ordered to be read a fecond time upon the immediately enfuing Thurfday.

Mr. Flood. Mr. *Flood* now addreffing himfelf to the Speaker, faid: Sir, I rife to propofe a reform in the parliamentary reprefentation of the people. I cannot mention the fubject, without making you fenfible of its importance: it is furrounded with difficulties; fome that are inherent in the fubject, and more that do not in reality belong to it—difficulties of private intereft in the prepoffeffions of thofe who, having benefited by the perverfion of the conftitution, are unwilling to reftore it. To fuch perfons I have but one application to make, and and that is, that they will fufpend thofe prepoffeffions till they hear what I have to propofe; and then if they find that they can do a noble juftice to their country, without a perfonal injury to themfelves, that they will receive, or, at leaft that they will examine it. There is another fentiment which I wifh to obviate, and that is, that it is prepofterous for any man to attempt a reform, in which, fome years ago, the Chancellor of the Exchequer did not fucceed. Bowing to the fuperiority of the Chancellor of the Exchequer, my anfwer

swer is plain—First, that I have avoided the objections that militated most strongly against his plan;—next, that the lights which he has thrown on the subject, are a great assistance now—that his declared patronage of the principle, as well as that of his right honourable antagonist, are a farther encouragement; seeing that it cannot be supposed, that persons of their talents and information, who differ in so many other things, should concur in this, if it were not for the overbearing force of an irresistible conviction. I have to add, that such a principle, so vital to the constitution, and yet so strongly opposed by private interest, is the very thing that cannot be expected to succeed at once; but that it is the very thing of which we may be certain, that with due perseverance it will succeed in the end. For myself I shall only say, that I have too much confidence in the magnanimity and wisdom of this House, and of the people of England, not to trust that they will rather consider the weight of the matter, than the weakness of the mover.

Under these auspices I begin, and will say what, but in a confidence in your virtue, I dare not say, that you are not the adequate representatives of the people. That you are their legal representatives I freely admit, and that, as such, you were entitled, as well as any other House of Commons, to all that was resolved, with respect to your powers, in the last session of Parliament. And I appeal to the candor of the Chancellor of the Exchequer, who, I am sure, will readily acknowledge that the words "full and free Parliament," that were used on this occasion, were not used indirectly to anticipate the present question; nor to declare the adequacy of that representation, the inadequacy of which he has himself arraigned. But I go farther, and say, that you are not only the legal representatives of the people, but that you are an highly useful and honourable council—a council, which, in any other Government of Europe, would be a great acquisition! But, to the honour of the British constitution be it spoken, that the British constitution entitles us to something better; namely, an adequate representation; now this it cannot be, unless freely and frequently elected by the body of the people. Before I go farther into this subject, however, I must stop to notice a declaration of a right honourable Member, (Mr. Fox) that he was an enemy to absolute Government, whether in the form of monarchy, aristocracy, or democracy. I go farther, and am an enemy to any two of those orders combined, without the intervention of the third. And though I do not distinguish between any of the three, so as to express a preference; yet I have a right to say, that as all just Government must be founded in the choice of the people, and must have their benefit for its end; so it is clear, that

that the popular order of Government is at least as indispensable, and as valuable as either of the other. Now what is the popular form of Government in the British constitution? It is the representation of the people; that great arcanum and wise mystery of our Government, by which it so much excels all the Governments of antiquity. By this principle, though scattered over a great country, a great people can possess an efficient influence in their own Legislature, without being legislators themselves. But how? not by the shadow, but by the substance of representation; or, in other words, by an actual, and not a virtual representative. Now, in what does actual representation consist? In this, that as, by the general law of the constitution, the majority is to decide for the whole, the representative must be chosen by a body of constituents, whereof the elective franchise may extend to the majority of the people. For, what can be so evident, as that, if the constituent body consisted of but one thousand for the whole nation, the representatives chosen by that thousand could not, in any rational sense, be the actual representative of the people? It is equally clear in reason, that nothing less than a constituent body, formed on a principle that may extend to the majority, can be constitutionally adequate to the return of an actual representative of the people; and that unless the people be actually represented, they are not constitutionally represented at all. I admit, that property, to a certain degree, is a necessary ingredient to the elective power; that is to say, that franchise ought not to go beyond property; but at the same time to say, that it ought to be as nearly commensurate to it as possible. Property, by the original principle of the constitution, was the source of all power, both elective and legislative; the *liberi tenentes*, including at that time, in effect, the whole property of the country, and extending to the mass of the people, were the elective body. The persons whom they chose to Parliament, sat in right of the property of their electors; and the Barons sat in right of their own baronies; that is to say, of their own property. At that time they were not creatures of royal patent as now. But now that the Lords are creatures of royal patent merely, and that freehold property is a very inferior part of the property of the nation, the national property is not as fully represented as it was originally, and as it ought to be still by the constitution. The constituent body is also defective in point of number, as well as in point of property. The whole number of electors is infinitely short of what it ought to be, and, what is worse, the majority of the representatives who decide for the whole, are chosen by a number of electors not exceeding six or eight thousand; though these representatives
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are to act for eight millions of people.' A new body of constituents is therefore wanting; and in their appointment two things are to be considered; one, that they should be numerous enough, because numbers are necessary to the spirit of liberty; the other, that they should have a competent degree of property, because that is conducive to the spirit of order. To supply this deficiency, both in the representative and constituent body, my proposition shall be directed.

But I am told this is not the time. And why? because, forsooth, there are disturbances in France. Now first I say, that if those disturbances were ten times greater, than with every exaggeration they are represented to be, yet that mass of confusion and ruin would only render the argument more completely decisive in favour of a timely and temperate reform here. And why? because it is only from want of timely and temperate reform there, that these evils have fallen upon France. They could not begin with reparation in France; there was nothing to repair: they did not begin with ruin, they found ruin accomplished to their hands. Neither the King nor his Ministers knew where to find the constitution. The King called upon his Notables (no legal body) to see where the constitution was to be found. Not a vestige of it could be recovered. They had lived so long as slaves, that they had unlearned the constitution; they were driven to speculation, because practice had vanished; and hence all those calamities which have excited such tragical exclamations here.

To what have the convulsions at former times in England been owing? to the same want of temperate and timely correction. Had the encroachments of the Tudors been seasonably repressed, Charles the First might not have mistaken those usurpations to be his constitutional prerogative; and so the miseries of the nation might have been avoided. Had not the evil practices of Charles the Second been so tamely endured, as to encourage the tyranny of James, the last revolution might not have become necessary. I am no friend to revolutions, because they are an evil: I am, therefore, a friend to timely reform, and for this reason, that it renders revolutions unnecessary; whilst they who oppose such reform, may be enemies to revolution in their hearts, but they are friends to it by their folly.

Another strong argument, from the situation of France, in favour of a reform, is this, that France will improve her constitution. Now, what has enabled this country to be at all times equal, and oftentimes superior to France? Not her climate or soil, which are not superior; nor her territory nor population, which are so greatly inferior; it is only in the excellence of her Government she has found her superiority.

riority. What follows? that if France improves her Government, you must restore yours. Again, what is your situation as to external danger? France, the great object of external danger to England, can no longer give alarm; during her disturbances she cannot have the power; and after her liberty is established, she will not have the inclination to make ambitious war. The better her Government is, the more rational will be her counsels; the more rational her counsels, the more pacific they will be. Kings may hope for glory, and their Ministers and minions may hope for plunder from warfare; but what can the people expect from an ambitious war? Nothing but an accumulation of taxes, and an effusion of blood. Now if a state of external danger would be a strong argument against a reform, a state of external safety is as strong an argument in its favour. Again, what is your situation at home? You are not in a state of despondency on the one hand, that might tempt you to a measure of despair, nor in a state, on the other hand, of that drunken prosperity by which nations are rendered ignorant of the present, and regardless of the future. You are in that happy medium which is the best friend to sobriety of judgement, and consequently the fittest state for framing a rational and temperate reform; the only one that I would propose, and the only one to which I would consent.

But it is dangerous, it is said, to tell the people of England that they are not duly represented. And is this indeed a secret? Are the people of England in such a state of infancy, as not to know that they do not elect those representatives for whom they do not vote? No;—but if ever it was a secret to them, it has long since been divulged; it was proclaimed to them in a loud voice in the Middlesex election; when a minority was voted to be a majority; a determination so iniquitous, as to shake the fabric of Parliament to its base. What was the consequence? The House of Commons, in a moment of repentance, erased the record of it, and stripped themselves for ever of their former judicial power in elections, in expiation and contrition for this abuse of it. Now what was this abuse? It was making a minority do in one county, what could only be constitutionally done by a majority; and the danger of it in example was, that it might be extended to other counties. But what is the abuse of which I complain, when I complain of the inadequacy of representation? It is, that a very small minority of the people do now act for the whole, in electing the entire representative of the nation. Now this is as much a greater abuse than the former, as the whole is greater than a small part; and as one was expunged by the Parliament, the other ought to be expunged by the people.

Again.

Again. This ſecret of inadequate repreſentation was told to the people in thunder in the American war; which began with virtual repreſentation, and ended in diſmemberment. To the inadequacy of repreſentation I charge that war. Profuſe counſels attendant on unconſtitutional majorities had left upon you a debt, which induced the Miniſter to look to America for taxes. There the war began; the inſtinctive ſelfiſhneſs of mankind made the People and Parliament wiſh that others ſhould be taxed rather than themſelves. At firſt, and until America reſiſted, I agree that this wiſh was common to the Parliament and People; but when America reſiſted, and the meaſure came to deliberate judgement, the people were the firſt to recover their ſenſes; whilſt the Miniſter, with his majority, went on to ruin. I ſay that the inadequacy of repreſentation, as it was the cauſe, ſo it was the only argument that was attempted in juſtification of that war. When the American exclaimed that he was not repreſented in the Britiſh Houſe of Commons, becauſe he was not an elector, he was told, that a very ſmall part of the people of England were electors; and that he was therefore in the ſame ſtate in which an infinite majority of the people of England were placed. As they could not call this actual, they invented a new name for it, and called it virtual repreſentation; and gravely concluded that America was repreſented. The argument, no doubt, was fallacious; it was perfectly ſufficient, however, to impoſe on multitudes, in a nation wiſhing that others ſhould be taxed rather than themſelves; and who were in the habit of thinking that the Americans being an inferior ſpecies of beings, they ought to be contented with their ſituation, though they did not partake at all in the elective capacity. The influence of corruption within doors, and of this fraud of argument without, continued the American war.

It terminated in ſeparation, as it began in this empty viſion of a virtual repreſentation; and in its paſſage from one of theſe points to the other, it ſwept away part of the glory, and more of the territory of Great Britain, with the loſs of forty thouſand lives, and one hundred millions of treaſure. Virtual Parliaments, and an inadequate repreſentation, have coſt you enough abroad already; take care they do not coſt you more at home, by coſting you your conſtitution.

But the people of England have not only read this ſecret in the dead and deciſive letter of events, but they have imbibed it from the living oracles of their ableſt ſtateſmen. When the city of London, the greateſt and freeſt metropolis of the world, applied to Lord Chatham to aſſiſt them in ſhortening the duration of Parliaments, what was the anſwer of that great Miniſter? it was this, that ſhortening the duration

ration of Parliaments alone would not be sufficient; that alone might do hurt; that the representation itself must be amended; and his proposition was, to infuse a fresh portion of vigour into the representative body, by an addition of county representatives, leaving the rotten boroughs to drop off by time. The authority of the son, both when a Minister, and when not a Minister, has been added to that of the father. The authority of many other of the most eminent men might be cited in addition, indeed of all, except those who are wise enough to startle at restoring, as if it were innovating, the constitution; and who grow enamoured of abuses, provided they are old.

I now come to a remedy for these abuses—but first, I will remind you of the objections that have been made to the former propositions upon this subject; because it is the shortest method of shewing that my proposition is free from them. It was not objected to Lord Chatham's plan, that it would make a considerable increase to the present number of representatives. But it was objected that the freeholders were already represented—that his plan did not give franchise to any of that great and responsible body of men who are now non-electors—that, on the contrary, it increased the disparity between them and the freeholders. It was farther objected, that this might happen, that as so many more of the great interests in each county might be accommodated by this greater number of seats which were to be disposed of by the same number of freeholders, that those greater interests might more probably combine—that the independent freeholders might become less significant, and county elections thereby become less influenced, and less constitutional than at present. To the plan of the Chancellor of the Exchequer it was not objected, that he introduced a new body of electors, namely, the copyholders. It was admitted, that by adding them to the freeholders, he had diminished, for so much, the objections that had been made to his father's plan; but that except for so much, the same objections remained as to that part of the subject. Touching his plan, as to the boroughs, it was objected, that to disfranchise them might, indeed, be arbitrary; but that to buy them out would be to build reform, not on the purity, but corruption of franchise—that the purchase might never be effected—that certainly it must be slow; and that the worst boroughs, those of the Government, would never resign, but would be comparatively increased in their importance by the resignation of others—that the reform was to wait for the result of all these contingencies; and at all events, that it was not to begin till the expiration of the Parliament, which had but just commenced;

menced; during all which time it would lie open to be repealed, before it began to operate.

My propoſition is free from all theſe objections; for it is, that one hundred Members ſhould be added, and that they ſhould be elected by a numerous and a new body of reſponſible electors; namely, the reſident houſeholders in every county— reſident, I ſay, becauſe that the principle of the conſtitution is ſo ſtrongly in favour of reſidence, that it ordained that no non-reſident could be an elector; and with reaſon; firſt, becauſe reſidents muſt be beſt acquainted with every local circumſtance; and next, becauſe they can attend at every place of election, with the leaſt inconvenience and expence to themſelves or to the candidate. Houſeholders, I ſay, becauſe being maſters, or fathers of families, they muſt be ſufficiently reſponſible to be entitled to franchiſe. There is no country in the world in which the houſeholders of it are conſidered as the rabble—no country can be ſaid to be free, where they are not allowed to be efficient citizens; they are, excluſive of the rabble, the great maſs of the people; they are the natural guards of popular liberty in the firſt ſtages of it—without them it cannot be retained; as long as they have this conſtitutional influence, and till they become generally corrupt, popular liberty cannot be taken away. Whenever they do become generally corrupt, it cannot be retained; neither will it be long poſſeſſed, if they have not this conſtitutional influence; for the liberty of a nation, like the honour of individuals, can never be ſafe but in their own cuſtody. The houſeholders of this country have a better right to conſideration and franchiſe, than thoſe of any other country, becauſe they pay more for it. It is admitted, that every individual of this country, one with another, pays fifty ſhillings a year to the revenue in tax. The maſter or father of a family muſt contribute, in proportion, for himſelf, and for each individual of his family, even to the child that is hanging to the breaſt. Who ſhall ſay that this claſs of men ought to be confounded with the rabble? Who ſhall dare to ſay, that they ought to be proſcribed from franchiſe? They maintain the affluence of the rich, the dignity of the noble, the majeſty of the crown; they ſupport your fleets and your armies. And who ſhall ſay, that they ſhall not have this right to protect their liberty?

I have ſtated the inadequacy of the repreſentative body, compared with the conſtituent body, even as it now ſtands; I have ſtated the inadequacy of the conſtituent body itſelf, as it now is, compared with what it ought to be; I ſhall now ſtate the effect of this double inadequacy upon the balance of the conſtitution. The conſtitution conſiſts of three orders, one monarchical, one ariſtocratic, and one popular; the balance

lance consists in maintaining the equipoise between them. This balance was lost in the first part of the Norman æra; it was recovered in some degree after; it was impaired again in the period of the Tudors and Stuarts; at the Revolution it is supposed to have been again recovered. Let us see whether it has not been impaired since. The Lords have been the most stationary part; yet by a great increase of their numbers of late, the Upper House has obtained a great many patrimonial and private boroughs; thereby obtaining an influence over the House of Commons, which does not constitutionally belong to them. But the great alteration has happened on the part of the Crown. And here, for brevity, I will appeal to the authority of a great Judge that is no more. Mr. Justice Blackstone has stated all the cautionary provisions that have been made to guard against prerogative; he has then enumerated the various sources of influence which have accrued to the Crown in place of those prerogatives; and the conclusion of such a man, a lawyer, looking to be a judge; of principles sufficiently monarchical; writing in his closet, and appealing to the cool justice of the latest posterity, is, what? That influence has gone so far beyond prerogative, that, at the moment he wrote, the liberty of England was rather to be found in the virtue of the Prince, than in the strength of the constitution. And what remedy does he intimate? An amendment in the representation of Parliament. Mr. Hume, a prerogative writer, taking the same view of the subject, has said, that the euthanasy of the British constitution must be arbitrary power. What did the House of Commons say in their memorable resolution? That the influence of the Crown had increased, was increasing, and ought to be diminished. Does any man doubt this authority? Were they not witnesses of the fact, as well as judges of the proposition? But it does not rest on their authority; an act of the whole Legislature has since confirmed their words—they have been made statute by the act of reform that passed afterwards. But what has happened since? An East-India bill has passed, and a declaratory law. And what is the consequence? That no man who has any modesty, or who ever expects to be credited, will deny, that by those laws more influence has been conveyed to the Crown, or the Minister, than was subtracted by that act of reform. The little influence of the whole people on the representative body is thus noticed by Sherlock, a bishop. In his treatise on the Test and Corporation laws, he says, That though the Dissenters were but a twentieth part of the people, yet if they got into corporations, the petty boroughs being so numerous, they might by them obtain a majority in the House of Commons against the whole nation. In a word, it is undeniable that

that a great majority of the Houſe of Commons are under another influence than that of the people. It is nonſenſe to call this a repreſentation of the people: the balance of the conſtitution is therefore gone; it muſt be reſtored, or the conſtitution will be undone. The only thing to be decided is, how it may be reſtored? It may be reſtored by opening all the boroughs, ſo as to make them places of popular and conſtitutional election. But will private intereſt hear of that? No. What follows? that there is but one mode left for reſtoring the balance, and that is, by an additional body of conſtitutional repreſentatives, choſen by an additional body of conſtitutional electors—either then this muſt be done, or the evil muſt continue: nor will that be all; for, according to the nature of the evil, it will propagate itſelf till it overwhelms what remains of your conſtitution. Is the addition of Members objected to? It was not objected to Lord Chatham. It was not argued that the integrity or wiſdom of Parliament was confined to the number of five hundred and fifty-eight. No: it was felt that this Houſe is never tumultuary, but when it ceaſes to be a public, by becoming a party aſſembly. It was therefore felt, that as by the ſuperaddition of ſuch Members, this Houſe would become more a public, and leſs a party aſſembly; it would, by courſe, become leſs tumultuary, and riſe in dignity and order. But if this be a ſerious objection, remove it; there are an hundred boroughs that might be limited to the return of one repreſentative inſtead of two. I do not propoſe it; but I deſire that you will either propoſe it, or not object this addition to me. In a word, the people have loſt their conſtitutional influence in the Legiſlature. Inſtead of having the whole, they are far from having a majority in their own repreſentative; the majority is againſt them; and the majority decides for the whole. The Houſe is a ſecond-rate ariſtocracy, inſtead of a popular repreſentation; the pillar of the conſtitution is undermined; it is nonſenſe to ſay that every thing is well, when every thing is in danger; every country in Europe was once as free as England; in every country in Europe it was ſaid that every thing was well, till they found that every thing was otherwiſe; they went to bed ſaying they were free, and they wakened bondmen.

Let us not flatter ourſelves that there is a deſtiny peculiar to England; ſhe has loſt her liberty more than once; it is our buſineſs to take care that they ſhall never loſe it again. Machiavel ſays wiſely, that no free Government can laſt, that is not often brought back to its firſt principles—and why? Becauſe the excellence of a free Government is, to control the evil paſſions and practices of rulers. What is the conſequence? Thoſe paſſions and practices are at perpetual

war

war with such a constitution; they make a constant effort to undermine or evade this barrier which is opposed to them. What is perpetually assailed, must be perpetually defended—what is incessantly sapped, must be incessantly repaired. It is nonsense to say that the English constitution, because it was once the best in the world, can never want reformation. A bad Government cannot easily become worse; it therefore may not want, and certainly does not deserve reparation. A good Government does easily become worse; it is with difficulty it can be preserved even by vigilance; and of all things in the world it best deserves to be repaired. The proposition which I make to you is practicable; that cannot be denied; it cannot be denied to be efficient; it will add a body of responsible constituents, of such number that a majority of the people may have the exercise of franchise; thus it cures the defect of the constituent body; and on the representative body it will have this good effect, that there will be no longer a decided majority in the House of Commons, under another choice and another influence, than that of the people; it leaves every county, city, town, borough, manor, &c. as it finds them; it molests none of the private proprietors of that which ought not to be private. And what does it ask of them in return? Nothing, but that they will suffer the constitution to be indemnified; and the influence of the people to re-enter the representation. To carry all this into execution would require but one short provision; namely, that the Sheriff of each county be required, by himself, and his deputies, to take the poll of the resident householders of his county, in each parish on the same day: thus this great remedy to the constitution may be obtained in one day; with less tumult and expence than attends upon the election of a diminutive borough; thus the representative will be chosen, as he ought to be, by the people; and by shortening the duration of Parliaments, he will continue to act as if he were so chosen.

Montesquieu has said that a free people will pay more taxes with greater alacrity than a people that are not free; and he adds the reason, because they have a compensation in the rights they enjoy. The people of England pay fifteen millions and a half annually to the revenue. This purchase they pay for the constitution. Shall they not have the benefit of it? Every individual pays fifty shillings a year.—How many enjoyments must every inferior individual relinquish, and how much labour must he undergo, to enable him to make this contribution? No people ever deserved better of Government than the people of this country, at this moment; they have not only submitted with alacrity to this enormous mass of taxation, but when the health or the rights

of their Sovereign were at ſtake, they gathered around the throne with unexampled zeal: Can ſuch a People be denied their privileges? Can their privileges be a ſubject of indifference or remiſſneſs to this Houſe? I cannot believe it; and therefore I move for leave to bring in a Bill to amend the repreſentation of the People in Parliament.

Mr. Grigby ſeconded the motion.

Mr. Windham

Mr. *Windham* obſerved that, in his opinion, one preliminary queſtion ought to be anſwered, previouſly to even the leaſt reception of the motion. The right honourable gentleman had not proved enough to encourage them to go on with him in his propoſition. He ought firſt to make out his grievance, then propoſe his remedy; and when the Houſe were put in poſſeſſion of both, it would be for them to judge how far the firſt was aſcertained and the ſecond proportionate, and to decide whether the remedy ought to be adopted or not. The right honourable gentleman had only ſaid, that there was an inadequate repreſentation, without producing any proof of the fact. The right honourable gentleman ſeemed to have miſtaken the end for the means; experience had convinced them that they were not an inadequate repreſentation, but that the Houſe of Commons, conſtituted as it was, was anſwerable to all the purpoſes that a Houſe of Commons ought to be, and that the people lived as happy and as free under it, and enjoyed all the luxuries of life as fully as they could poſſibly deſire. It was not uſual to judge of the goodneſs of a tree otherwiſe than by its fruits, and to apply a homely adage to the Britiſh Conſtitution, "The proof of the pudding was in the eating." The experience of ages had demonſtrated that the Houſe was adequate to all which was neceſſary, and that with no better repreſentation of the People in Parliament, they had been comfortable and eaſy, the country flouriſhing and proſperous, and the people ſafe. Every propoſition of reformation or innovation was good or bad according to the nature of the caſe; this was a caſe in which we might loſe every thing, and could gain nothing. This project came before the Houſe under the appearance of liberty, as all innovations did, which were likely to deſtroy that very liberty they profeſſed to preſerve. The liberty of their country needeth no ſpeculative ſecurity; it could not be better ſecured than it was. But the right honourable gentleman had quoted the caſe of the Middleſex election, and laid great ſtreſs on the minority's governing the majority in that caſe. Why, be it ſo! If it had been the general rule of election, for ought he knew that Houſe might have gone on well; and, if it did, ought he to quarrel with it becauſe he was not able to ſee exactly how it happened, or how it had confuſed the people?

If he were asked the reason why it went on so well, he should answer only, "there are more things in nature than are to be found in your philosophy." As to the American war, the right honourable gentleman came somewhat near to where he wished to bring him, to matter of fact.

Mr. Windham denied that the continuance of the American war had been owing to the inadequacy of representation; on the contrary, it was the wish of the people that it should be begun; a better proof of which need not be desired, than what had happened to the member for Bristol, a right honourable friend of his (Mr. Burke). Where did his right honourable friend sit for before the war, and where after it? He had been turned out for opposing its continuance. Towards the close of that war, a clamour was raised, and the cry was, a reform of representation in Parliament, as a remedy for the expence to which the people had put themselves; when, he was afraid, they had undertaken the war, with no better reason than the hope of saving themselves by taxing America. A deluge of opinions were then let loose. All those wild notions were generated during the war; but happily they had long subsided; as he had hoped, never to rise again; but, unfortunately, to borrow a phrase from the last debate, he feared the cry then set up, "was not dead, but only sleepeth. He was sorry that a brood of these wild, impracticable opinions had spread abroad from the continental affairs, which, like locusts, that lay torpid, till awakened into life, would buzz about, fill the air, and fly away. He apprehended that if they were suffered to remain here they would destroy the verdure and beauty of the Constitution. If he had approved ever so much the right honourable gentleman's proposition for a parliamentary reform, he should have objected to it on account of the time at which the right honourable gentleman had thought proper to introduce it. What, would the right honourable gentleman advise them to repair their house in the hurricane season! The right honourable gentleman seemed desirous of opening the door for a change, though he was so candid in his mode of proposing it, that he had professed himself perfectly indifferent what the change should be, and seemed only desirous that there might be some change: a change might be good in the abstract, but he would never consent to open a door to change, and to pull down and take the chance of building again. It was not playing upon velvet, as it was called in the language of play, when one party was sure of his game; much might be lost, but nothing could be gained. He reprobated the wild theories which were now so frequently broached, as if they were to give up practice and experience, and resort to theoretical projectors. It seemed as if a system of metaphysics was

was about to be introduced, and the ideal world were to govern the real.

Let it be recollected, that speculatists and visionaries were now *frontibus adversis pugnantia*, and therefore we ought to abstain from catching the infection. There was no grievance, in this country, which we could not correct without resorting to ask the advice of a theorist. While the People enjoyed every possible degree of freedom and felicity, they were to be persuaded that they were miserable and slaves. It reminded him of a story in the Spectator, of a man in good health, getting into a habit of reading medical books, till his fancy was taken such possession of, that he imagined that he had every symptom of that terrible disorder the gout, except pain. He intreated the House, therefore, to resist these trifling reparations, as they were called; once adopted, like the puncture on a man's arm, they might lead to dangerous disorders of the body, and of the body politic as well as the body human. The Constitution, now healthy and flourishing, might be alarmingly attacked, and thence fall to cureless ruin.

Mr. Chancellor *Pitt* declared, that as the honourable gentleman who spoke last had, with much ingenuity, and, in some points, with as much wisdom and argument as he had ever heard within the walls of that House, investigated the merits of the motion, he felt it needless to enter upon a series of long remarks. To the honourable gentleman's reasoning, in general, he fully subscribed; from his facts he could not help differing; but circumstanced as he was, and known to have been a friend to Parliamentary reform, (to which, after the most mature deliberation, he continued to be as firm and zealous a friend as ever) he could not consent to give a vote in silence. He begged leave to deny that his ideas of reforming the representation in Parliament were founded upon wild theory and visionary speculation. On the contrary, he had only wished, by prevailing on that House to adopt certain practical principles of reform, consistent with the genius of the Constitution, to remedy peculiar abuses, which, he was free to confess, they did not feel at that moment, but which they would feel under certain contingencies. He should dissemble his real sentiments, if he did not confess that he could see no utility in any gentleman's bringing forward such a motion as the present, at this moment. The right honourable gentleman who made the motion, had alluded to the particular objections which (he said) he had heard were the objections most relied on by those persons who opposed the propositions for a Parliamentary reform, which he had, some sessions since, had the honour to propose; but the right honourable gentleman seemed to have lost sight of the principal objection

Mr. Pitt.

objection in which the opposition had been successful, though the times, and a variety of other circumstances were then more favourable for his propositions, than for any proposition of the same tendency at present, and that was the charge of innovation, and the argument of its danger; he thought that those who argued this charge were mistaken, and he continued to think they were, but they had succeeded. It was a knowledge of the impression that the argument against innovation had made, which rendered him desirous of waiting till some more favourable moment than the present should offer itself, when he most certainly should again submit his ideas upon the subject to the House; at present, unless the right honourable gentleman would consent to withdraw his motion, he should move to adjourn. Mr. Pitt declared, that if he were forced to come to a specific vote upon the right honourable gentleman's plan for amending the Constitution, he should be against it; and even if it were his own proposition, he should act in the same manner, feeling that the cause of reform might suffer disgrace, and lose ground from being brought forward at an improper moment. With regard to the right honourable gentleman's idea of letting all householders vote who paid fifty shillings, scot and lot, indiscriminately, and without distinction, he could not easily imagine that it would answer any effectual purpose. He hoped, however, that the right honourable gentleman, in candour, did not wish to press his motion on the House.

Sir James Johnstone

Sir *James Johnstone* contended that if the proposition of the right honourable gentleman were complied with, the act of Union would be violated, and in that case the two countries must be placed in the same situation in which they stood before the Union, and then the difficulty would be to bring them together again. By the Union, England was to have 313 members of that House, and Scotland 45. If the act of Union were dissolved, probably that House would think eight members from Scotland enow, but the Scotch Parliament might insist upon having 200 at least. The Parliament had done extremely well for some years past, he hoped, therefore that the right honourable gentleman would suffer them to try the experiment of another century, and then, if it did not answer, he would be glad to second his motion.

Mr. Powys.

Mr. *Powys* observed that the House had hitherto rejected all motions of a similar nature, and he ardently hoped they would continue to reject them. He observed that he could not forbear applauding his honourable friend (Mr. Windham) on account of his wonderful reasoning, and he trusted when the motion should be rejected, that the right honourable gentleman, who introduced the motion would be convinced that the house would always turn its back upon such schemes,

and if in this æra of disinterested pariotism one of the members of the National Assembly should be sent over as a political missionary, in order kindly to advise them how to correct the inadequacy of their representation, and preach up the blessings of reform, they would turn a deaf ear to his doctrine.

Mr. *Secretary Grenville* declared, that under what circumstances, and at whatever time any proposition of Parliamentary Reform was brought forward, he for one would resist it. The circumstances and times were such, as made not only the question dangerous, but even the discussion of it dangerous, likewise. Mr. Grenville

Mr. *Fox* declared that he agreed with the right honourable gentleman, who was of opinion, that this was a question extremely important to the country; but it was, as his right honourable friend near him had said, a question, which he had considered as a sleeping question, for the present. Though he held the same opinion he used to hold upon the subject of reform, he thought it but fair to state that he believed that opinion was not the opinion of the majority either within or without doors. With regard to to the question of the Middlesex Election, he differed upon it from the right honourable gentleman who had made the motion. The right honourable gentleman thought that the representation ought always to depend on the majority; he (Mr. Fox) thought otherwise, and therefore the right honourable gentleman, according to his view of the case, was right in his opinion; and as he saw the matter in another point of view, he was in the right in his opinion likewise. It was rather extraordinary, that the House, for thirteen years, were in possession of a legal opinion of the judges upon the case of the Middlesex Election, and yet, to that day, he (Mr. Fox) remained convinced that this House was in the right, and the People and the Judges in the wrong. He declared he agreed with the honourable gentleman that a difference in the representation in Parliament would not have prevented the commencement of the American War, but he thought that the War would have been ended some years sooner and some millions have been saved to this country, had a reform taken place in time. Sure he was that what happened in 1784 would never, in that case, have taken place. He had not the honour of a personal acquaintance with the right honourable mover of the question; but the observations he had made on France and what was going on there did not deserve the sort of remarks which had fallen with so much ingenuity from his right honourable friend, which he could scarcely have thought could have fallen from a gentleman of the sense of his right honourable friend. He agreed with the right honourable mover about the affairs of France, and saw Mr. Fox.

no reafons, as fome gentlemen did, why we ought on that account to be ftruck with a panic. He was one of thofe who, if the right honourable gentleman was inclined to withdraw his motion, wifhed him to do fo; but he would ftate his objection to the motion, that it might not appear the fame as that of the right honourable gentleman who fpoke laft; he thought the prefent ftate of France no objection to proceeding with the bufinefs of reform then, becaufe he never could agree, that what was paffing abroad, ought to have any influence on their proceedings, in refpect to their internal and national concerns. His right honourable friend had afked, would any man repair his houfe in the hurricane feafon? He would be glad to know, what feafon was more proper to fet about a repair in, than when a hurricane was near, and might poffibly burft forth; with regard to the propofition, the right honourable gentleman had faid it would admit of amendment, and he was indifferent how it was fafhioned, fo that the fum and fubftance of it were adopted. Was that any ground for conceiving that the right honourable gentleman was only anxious for a change, no matter what? That was a frefh proof of the truth of the right honourable gentleman's pofition, which no man could deny, that the reprefentation in Parliament was inadequate; and if it had been perfected, he was perfuaded, they fhould not have heard the right honourable gentleman farcaftically glanced at by another honourable friend of his, under the idea of a member of the National Affembly of France coming here in the character of a political miffionary, to preach the bleffings of reform. Had the reprefentation in that Houfe been reformed, he was convinced that every member of it, no matter what his country was, would have been regarded only as one of the reprefentatives of the People of Great Britain, and in that Houfe, at leaft, all would have been confidered as upon a level, and each as invefted with an equal right to come forward with whatever motion he thought proper. Mr. Fox owned that he thought the outline of the propofition which came from the right honourable gentleman (Mr. Flood) for the bill in queftion, the beft of all which he had yet heard fuggefted. If, therefore, the queftion was put he would vote againft the adjournment.

Colonel Phipps. Colonel *Phipps* obferved that had the reprefentation been reformed in 1784 and had more of the people become poffeffed of feats in that Houfe, according to the right honourable gentlemen's wifhes, he was perfuaded, from a knowledge of the opinion without doors upon the fubject at that time, that the opinion in the Houfe would have been juft as adverfe, becaufe nothing could be more fo, than the fentiments of the people, without thofe walls. The Colonel mentioned Mr.

Fox's maxim, not to be restricted by the orders of constituents, but that every member ought to act in that House to the best of his own judgement for the people at large: and he, also, reprobated any innovations in the constitution as extremely dangerous, and as going back to the original evils and defects by which it formerly was degraded and disgraced.

Mr. *Wilberforce* declared that he was one of those who had, on all occasions, professed himself a friend to Parliamentary reform; he was as much so as ever; but agreed with his right honourable friend, that this was not a favourable moment to agitate such a question, and he conceived that his right honourable friend had shewn himself the friend of parliamentary reform, by treating the Motion in the manner he had done, and therefore he would vote for the question of adjournment. Mr. Wilberforce.

Mr. *Flood* rising, a second time, said, the honourable Member (Sir James Johnstone) has desired that I should postpone my motion for a century; did I think that I should have an opportunity to move it at the end of a century, perhaps I might comply; the honourable Member objects impracticability to my proposition, as if it were opposed by the articles of Union. Undoubtedly if Scotland were not to have her due proportion of additional Members, the objection would be just; but I only mean to give Scotland her share in this additional representation; but for one I would consent to her having a more liberal proportion than that which was assigned at the Union. I admit that the united Parliament cannot take from Scotland any of the advantages of the Union; but no man has ever held, that they can add nothing to the benefits of it. And whilst I have the authority of Lord Chatham, to shew that the Union cannot be a bar to an increase of the representation; and that of the Chancellor of the Exchequer, to shew that it cannot obstruct a Parliamentary reform, the honourable Baronet must excuse me, if I prefer their reasons in favour of a reform, to his prepossessions against it. Mr. Flood.

Whatever may be the fate of my proposition to-night, I am glad that I have moved it. The subject was considered as dead by the enemies of it—but the friends of it will now perceive, that it is alive; had we suffered it to continue during the whole of this Parliament in that swoon into which it had fallen, the vital principle might have been so far extinguished, that the next Parliament could never have restored it. I have give an opportunity to some of the most distinguished parts of the kingdom, to express their approbation of this proposition. I have given an opportunity to a right honourable Member (Mr Fox) to declare himself again a friend to an amendment of the representation, in those clear and unequivocal

vocal terms which best become the manliness of his talents; and I consider myself as eminently fortunate that my plan has so far recommended itself to a judgement of such authority, that he has not hesitated to say, that it is the best plan which has yet been suggested; and to add, that the introduction of the resident householders is well adapted to give representation to that mixed kind of property which is now become general in this kingdom. I am glad to acknowledge myself to be farther indebted to him for having answered the objection of a right honourable Member (Mr. Windham) so as to leave me little to say beyond that acknowledgement; in a superior tone of argument he has proved to that gentleman, (and by a friendly voice) the emptiness of his objections; and therefore whilst I admit with pleasure the urbanity and neatness of the right honourable gentleman's reply, and the wit and humour with which it was replete, I have only to reiterate that it was he and not I, that assumed every thing which it was requisite to prove, and that his speech was like a fair vision that captivates the eye by an agreeable illusion, but that vanishes before the touch, and fades into annihilation; so far indeed was the right honourable Member transported by his enthusiasm against a reform, as to say that if such determinations as that of the Middlesex election had been general, he would suppose them to be right; now this is nothing less than to say, that right and wrong are but empty sounds, and that we are only to inquire what has been done—not whether it ought to have been done, or no.

There are instances, however, in which wit and humour, and in which poignancy and elegance, are not to be complained of—but in which a certain bluntness bordering on coarseness, and even illiberality, may have attempted to usurp the ear. Who would have thought it? The ghost of French tumult has again been excited, to conjure down, if possible, the dangerous spirit of reform, and a grave Member of the British Parliament, in the gravest of all possible harangues, has imaged to himself that a missionary from the National Assembly of France has escaped into this house to make the present proposition. I am not a native of France, I am a citizen of the British empire, I am a Member of this House; I appeal to you whether my conduct has been that of an alien or an adventurer; whether I have often trespassed on your attention; whether I ever did so but on an occasion of importance, and whether I then wearied you with ostentation or prolixity. I am as indepedent in fortune and in nature as the honourable member himself (Mr. Powys.) I have no fear but that of doing wrong; nor can I have an hope on the subject, beyond that of doing some service before I die. The accident of my situation has not made me a partizan,

partizan, and I never lamented that situation till now, that I feel myself as unprotected, as I fear the People of England will be found to be on this occasion.

An honourable Member (Colonel Phipps) has said, that a reform is unnecessary, because, upon the last general election, the People were able to manifest their inclinations in favour of his friends—be it so; I never said that there was no such thing as a popular election in the kingdom; but if, in the miserable destitution of popular election which now prevails, the inclinations of the public could shew themselves at all, how much more would they have been manifested, had the representation been adequate? Would the honourable Member be sorry that his friends were stronger than they are; If the position of the honourable Member be true, he ought to be a friend to reform; if it be not true, he might have spared the observation.

But I am nothing more pleased that I have made this proposition, than that it has given to the Chancellor of the Exchequer an opportunity to express his persevering sentiment in favour of a reform, notwithstanding he has moved the question of adjournment. Had I seen that there could be a circumstance in the present moment, that could render the restoration of the Constitution improper, I should never have proposed it; but I neither did, nor can conceive such a possibility; the time I thought, for various reasons, the properest in the world, and for this amongst others—this would have been the time in which the Chancellor of the Exchequer's reform would have begun to operate, if his proposition had succeeded; and, therefore, I could not think it an improper time to find a substitute for it. But every thing, it is said, is well; this is true in a part, but beyond a part, it is not true. You are growing in prosperity, that is well; but you are two hundred and forty millions in debt; all the genius of administration has not pointed out any mode for the effectual liquidation of it; nor has any man pointed out the resources for another war. Who will say that is well? I do not despond, however; it is not my nature; and I have thought too often and too anxiously on the subject, not sometimes to flatter myself with a glimpse of such a possibility. But this I am bold to affirm, that the measures of that purpose must be so strong and systematical, as to require a stronger House of Commons than an inadequate representation can furnish. There is an influence that will always disturb every thing that is great, in pursuit of every thing that is little. This influence cannot live in a constitutional representation: such a representation, therefore, is the greatest of public blessings, and all public calamities are associated with the want of it.

The higher classes of every state are subject to be debauched by ambition, and the lower by necessity; the middle classes alone can be depended upon. These extremes of the State are apt to unite to overwhelm every thing between; it is the business, therefore, of wise statesmen to render the middle ranks so strong, as to be able to resist this union of the extremes. The constituent body is the political army of the State? an able general will make the center of his army strong, if he be in danger from the wings. On this principle, I introduce four hundred thousand responsible citizens from the middle ranks of the people, to fortify the constitution, and to render it impregnable. Such men cannot gain by convulsion; such men are too numerous to combine, and their position is a position of moderation, because it is a state of mediocrity.

But the Chancellor of the Exchequer wishes me to withdraw my motion, and I wish to comply with his request; but having satisfied my own mind as to the propriety both of the time and of the measure, and having been encouraged by the opinion of others, I feel that it does not become me to retract. It is not pertinacity, but an idea, whether erroneous or not, of public decorum that interposes to prevent it, and compels me to leave the fate of the question to the determination of the House.

Mr. Burke

Mr. *Burke* having said, that the right honourable gentleman (Mr. Flood) was most undoubtedly justified, on every account, in bringing forward the proposition he had that day submitted to the consideration of the House, proceeded to notice some parts of his speech concerning France, and his appeal to the justice of men's feelings respecting his newly-intended electors especially. The right honourable gentleman had asked, who dared tell the middle ranks of life, that they ought not to enjoy that peculiar privilege, the exercise of the rights of electors? He would inform him; the laws of the country dare tell them so; the usage of their ancestors dared tell them so; the uniform practice of parliamentary election tells them so; and who shall dare to refuse to submit to such authorities? Mr. Burke next adverted to the American war, and denied that it would have been put an end to sooner, had the state of representation in Parliament been more perfect. In order to prove that in those ancient Republics, and such Governments, as were so completely and purely popular, the people held the power entirely in their own hands, he cited the examples of Athens, Greece, and Rome, where each man represented himself. They were for ever involved in wars which were ruinous; sometimes to their adversaries, sometimes to themselves, and always to the cause of humanity. The American war, therefore, was no instance. It

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was originally the war of the people, and had been put a stop to, not by them, but by the virtue of a British House of Commons, who, without any petitions from the people, without their interference, and almost without their consent, had the magnanimity to take upon themselves to put an end to it. With regard to corruption, they were corrupt; what body was free from corruption? It was inseparable from the nature of such an assembly; but it was evident that no corruption which could be applied to them, was equal to a victory over the virtue of that House of Commons which put an end to the American war, and which House of Commons was afterwards foully calumniated and treacherously dissolved, by way of reward for its eminent services to the country. Mr. Burke compared the possible corruption practised within those walls to the deluge of corruption practised by the people themselves, and now about to be let loose without doors. He would not sit still, and hear it said, that the present House of Commons did not represent the people. With regard to the cause of the American war, America had had no representation whatever, nor even a virtual one, or rather, she had the worst sort of virtual representation, the representation of men's passions, both in and out of Parliament.

Mr. Courtenay

Mr. *Courtenay* observed, that from some sentiments he had heard, he could scarcely believe that he was in a British House of Commons, they were so contradictory to each other. He ridiculed all the terrors taken up by some Members, because the nuns and friars were turned out of their convents in France together, to fulfil one of the most necessary, pleasing, and proper offices of nature; and by others, because Protestants being admitted into offices in France, without a test, it was said, that a system of Atheism was established. An honourable Member (Mr. Powys) appeared most strangely to have mistaken a right honourable Member of that House, because he happened to be a Member of the Irish House of Commons, for a Member of the National Assembly of France; as if the Members of the National Assembly had come over and inoculated the people of this country with democracy, and a rage of infection had spread the new French disease. If the right honourable gentleman had spoken an unintelligible language, there would have been something in that; but seriously, Mr. Courtenay added, that he applauded the right honourable gentleman (Mr. Flood's) proposition. Householders would feel more pride and attachment to the constitution, from being made the electors, and the constitution would necessarily derive vigour from such a circumstance.

 Mr.

Mr. Milnes. Mr. *Milnes* spoke in contradiction to Mr. Burke's assertion, that the people did not interfere to put an end to the American war. He knew that the county of York had interfered for that purpose strenuously three years before the American war was put an end to, and all that description of Members, called County Members, had voted for its termination.

Mr. Burke. Mr. *Burke* denied the fact, and re-asserted that the county Members did not distinguish themselves by voting for putting an end to the American war. The late Sir George Saville, he said, had assured him, that he had only one petition sent to him against the continuance of the war, and rejoiced that he had even that one to countenance their arguments.

Mr. Milnes. Mr. *Milnes* answered, that the right honourable gentleman's anecdote of the petition presented by Sir George Saville confirmed his former argument.

Mr. Duncombe. Mr. *Duncombe* observed, that he was not in Parliament at the American war, but he well remembered, that without doors, the popular opinion ran in its favour at the commencement of it, and against it afterwards. Mr. Duncombe complimented Mr. Flood, and thanked him for his proposition, assuring him, that at a more proper period, he would vote in its favour.

Mr. Flood consented to withdraw his motion.

The House adjourned.

Friday, 5th March.

Mr. Cawthorne. Mr. *Cawthorne* having risen, in consequence of the notice which he had lately given, to move for a bill to prevent delays in county elections, expressed his wishes to have it understood that he did not mean to oppose the repeal of any one of the tests or oaths, which, as the law stood at present, were obliged to be taken by voters, under certain circumstances. He only intended to move for leave to bring in a bill, the main object of which would be to authorize returning officers to administer the oaths to electors in a place separate from the place of poll, with a view to the prevention of unnecessary delays; and, therefore, he moved for leave accordingly.

Leave was given, and Mr. Cawthorne and others were directed to prepare and bring in the bill.

Sir J. R. Miller. Sir *John Riggs Miller* rising next, observed, that he had not consulted the honourable gentleman (Mr. Courtenay) who had given notice of a motion respecting the Ordnance, and therefore did not know the objects of that motion. If he had thought they possessed any resemblance to that which he had already, or to that which he was now about to submit to them, the House would have been saved the trouble of his intrusions, as he would most certainly have surrendered the situation

situation in which he now stood to that honourable gentleman's superior abilities and habitual acquaintance with the business of the Board of Ordnance. Sir John said, he had ever understood, and he believed he was not mistaken, that at all times, until very lately indeed, the usual and regular proceeding of those who were charged with the defence of this country, had been, upon a suggestion of the necessity of new military works in any place, to order a plan to be made by the proper engineers; to this plan the Board of Ordnance tacked on an estimate of the expence of the proposed works, and to both these documents, so attached and connected to each other, His Majesty's privy seal was affixed, which conferred upon them authenticity and authority. An attested copy of the whole was then sent to the engineer who was approved for conducting the same, with orders to proceed thereon. This, Sir, said Sir John, has been the former mode of designing, estimating, and carrying on our military defences. Why it has been of late abandoned, and obliged to give way to new and unusual modes of proceeding, will, I suppose, be stated to us by and by, by those who have chosen to adopt the alteration. Sir John said, the right honourable Chancellor of the Exchequer had told them, upon a former occasion, that he estimated the expence of fortifying all our West-India islands at about 200,000l. and no more; and he had lately told them that no reasonably exact estimate could ever be expected, on account of the uncertainty of the expence of conveyance of such materials, as must necessarily be sent from Europe to our islands. Now, Sir, I for one, do declare myself totally unsatisfied by such reasoning. I have been assured, that three or four years since, that right honourable gentleman did, as it was his bounden duty to do, see and examine both the plans and the estimates of those intended works, at his own house, and that he did there discuss and investigate both the one and the other with some of our engineers, who, by order, attended him for that purpose; and that rather objecting to the expence of one of the proposed fortifications, he said to an engineer, "Do you "think this island is worth the expence proposed for its de-"fence?" who instantly replied, "I certainly do not." Yet this very island is now the object of one of our late grants, and these very works are now carrying on in the same. Sir, whatever difficulties may, in the early state of this business, have opposed themselves to our acquisition of sufficiently accurate estimates, those difficulties must be now greatly done away. We know the price of labour in our islands, we know the price of the materials produced in them necessary to be purchased for these military works. We know the price, the quality, and the quantity of materials, the pro-

duce of this country, which must of necessity be purchased here and sent thither. And the only thing which we did not know, and perhaps could not know very accurately, heretofore, we can know without difficulty, and we can know it experimentally, and that is, the expence of their conveyance from hence to our islands. Why then, Sir, are we refused estimates that can be so easily given us? Some proportion of every species of material that Europe is to furnish to these works, has been already sent thither, under specific contracts; this is surely sufficient to form the estimates for which I apply. The House will not require estimates of the minutest accuracy; a few thousand pounds over or under can be no great object with Parliament, who are in the habit of receiving such nice or rigid calculations. But, Sir, the voting 8000l. for the carrying on, at the same time, five or six West-India fortresses, to be laid out without any account or estimate, at the will of the Board of Ordnance, leaves us in such darkness, as I apprehend this House will not think it its duty to continue in. And here, Sir, let me remark, that the present Ordnance system, which I have before touched on to this House, of laying a number of foundations, and carrying on a variety of fortifications at the same time, and in the same proportion of forwardness, appears peculiarly inexpedient in the West Indies. Jamaica is, without doubt, the most valuable of your islands; Barbadoes is the most windward of them; and that from which the others can most easily receive succour in case of attack. Why then is not the one or the other of these the first object of our military expence in these parts, or why are not both their defences completed, instead of dispersing our money and our labour in a number of infant fortresses, that must, of necessity, be, for many years to come, useless; nay, the source of weakness instead of defence to us. Now, Sir, I will put a case which I conceive in point. I will suppose that any gentleman who hears me, should employ an architect in his confidence to build him a house. The gentleman approves the plan, and calls for an estimate. "No," says the architect, "I will "give you no estimate, but if you will advance me (let us "suppose) 500, 1000, or 5000l. annually, I will carry on "your house very satisfactorily for you." Question. "Why "am not I to have an estimate?"—Answer. "Because some "of the materials are of uncertain expence in conveyance, "and I cannot be exact, until I know the charge for carry-"ing them." "Contract," says the gentleman, "for the "carriage of a small portion of each material, and from "thence let me have a general estimate; then, and not till "then, will I consent to make you an annual allowance, "lest you put me to an expence above my expectation, abi-

" lity, or inclination to submit to." To gentlemen's consideration I submit the application of this statement; and will any man say that he has a right to apply or dispose of public money with less circumspection and œconomy than he would dispose of his own: I trust there is no man who will say so, nor who does not feel it to be his duty to watch more cautiously the application of the property of his constituents than that of his own private substance. Now, Sir, as an additional argument for the production of the estimates I am about to move for, I shall prove to the House how differently the money accorded by Parliament has been laid out by the Board of Ordnance from the purposes for which it was granted. About four years since, a sum of money, I believe 15,000l., was granted by this House for the repairs of Fort Monckton; and has Fort Monckton been accordingly repaired? No such thing. Fort Monckton has been rased to its very foundations. Its scite has been enlarged, and nearly doubled, while a new and a perfectly different fortification has been erected, instead of complying with the vote of Parliament, which was expressly to repair the old works. A like sum was granted, I believe, the session before the last, for the repairs of Fort Cumberland, which has also been rased to its foundation, instead of being repaired. Its scite has been augmented, at the very least, two thirds; and a very extensive and very expensive military is now raising there in defiance of our vote, which went only to its repairs. Both these evasions of the designations of this House will cost the nation at least the double of what they proposed to expend on them. This, Sir, is not treating Parliament seriously or decently. Good faith, and a fair and perfect intelligence, which ought to be cultivated, and should subsist between this House and the Board of Ordnance, cannot exist under such transmutations. If the Board of Ordnance shall at any time think new works preferable to repairs, in the name of God let them come forward and say so; let them bring their estimates fairly before us, and leave Parliament to decide upon the adoption or rejection of their plans; instead of applying for certain annual sums " towards carrying on" such and such works, which must leave the House in total darkness respecting what is likely to be the whole expence of any such fortifications to the public, while by such grants it is pledging itself for their completion. Besides, that we are hereby totally prevented from being able to couple the real expence with the real expediency of such proposed works; and from the exercise of our judgement and duty upon their adoption or rejection, to govern our votes. I have visited Fort Cumberland more than once myself, and that occurred to me, which has since been confirmed by men of much naval and military

military skill, that a strong battery in that place might be of use against frigates or gun-boats that should attempt to force Langston Harbour, in order to cover or carry on a land attack upon our dock yard, and that, upon a small scale, Fort Cumberland might be worth reparation or strengthening: but to prepare against large ships in such shallow water, where even a frigate which brought the convicts to work, as the people one and all assured me, ran a ground in their approaching that land, was unnecessary and incongruous. Here the Board of Ordnance appear chargeable with a solecism in fortification, by employing the higher orders of defence, where the lower orders of attack can only be opposed to them. At Fort Monckton I saw an effort of military architecture that never occurred to me before, in the several fortifications I have seen in France, Germany, or Piedmont, and that was the lodging the garrison in the outer case of the works, with but a very few feet of masonry between them and the enemy. With what particular view all this has been so dextrously contrived, said Sir John, I cannot take upon me to say; it may be very proper and very useful, but sure I am that it is rather new and extraordinary in its way.

Why the defence of the Isle of Wight was not made part of the subject of the deliberation of the Board of Sea and Land Officers, ordered to examine and report their opinions upon the fittest defences for this country, is what surpasses far my comprehension. My ideas and those of all the enlightened naval and military officers with whom I have conversed on the subject, regard the establishment of proper defences there, as of the utmost importance, more especially when we advert to the advanced state of the great work just opposite to it, and which may, at one time or other, be hostile to us, are of a nature too serious and too delicate to warrant a further explanation of them in this place. What I have said is sufficiently intelligible to those who are charged with the government and defence of this country, and with them I will leave it, trusting that they will consider it as a subject not unworthy of their early and very minute investigation. The present state and situation of South Sea Castle and of Rhyde, opposite Fort Monckton, should not be forgotten by the Board of Ordnance, for they are objects of at least equal importance with any of those about which they are now employed. It is to be regretted, Sir, that one complete, compact, well-digested system of defence, maturely considered and minutely digested, should not be adopted by this country, (the objections to that which we have rejected, I need not repeat in this House) instead of fortifying here and there, by bits and scraps, without harmony, order, or consistency, as frolic or circumstances merely occasional or adventitious

ventitious induce or prompt us. The discordant and disjointed links of such military works, whilst no part of a general system, tending only to disperse and dissipate, instead of connecting and concentring our defences. Hence such works are frequently abandoned after prodigious sums of public money have been exhausted on them. This, Sir, has frequently happened; and exactly so did it happen in respect of Milford Haven; on which the Board of Ordnance laid out, in one of its fortifying paroxisms, between 50 and 60,000l. When this sum had been expended, and not till then, it was discovered that all these works were most completely commanded by a neighbouring eminence within point blank shot of them, from which the very buckles could be discerned in the shoes of the garrison who were to be their defence. This business came before a Committee of Parliament in 1759, the works were abandoned, and the expence of them for ever lost to the public. An honourable General now in this House (Sir Archibald Campbell) lately returned from a great East-India command, was one of those, who, very honourably to himself, bore testimony to the futility and folly of these works. This fact will not, I hope, escape the memory of Parliament, nor that of the Board of Ordnance, to whose mutual observation I very seriously recommend it. Sir John then moved, "That there be laid before this House such estimates as have been formed at home or abroad, or that can be formed by the Board of Ordnance, of the expence necessary for carrying on and completing the respective fortifications, and other military works now erecting, or proposed to be erected for the defence of our different islands in the West Indies."

Sir John concluded with moving, "That copies of the estimates or computations that have been made by the Committee of Engineers at the Tower, or by the chief Engineer, of the probable expence of such fortifications as they have recommended to the Master General of His Majesty's Ordnance to be erected in His Majesty's several islands of Antigua, St. Christopher, Dominica, Barbadoes, St. Vincent and Grenada, be laid before the House."

Mr. Courtenay seconded the motion.

Captain *Berkeley* answered, that on the present occasion, he could not wholly comply with the request of the honourable Baronet, because all the papers called for in the motion, were not in the possession of the Board of Ordnance. All that the Board could command, the honourable Baronet was perfectly welcome to, and he should communicate them with great pleasure, being fully persuaded, that the more the conduct of the Board of Ordnance was investigated, the less reason would arise for imputing blame to them, and more unquesti-

Captain Berkeley.

unquestionable would be their claim to applause. Captain Berkeley explained his not being able to furnish all the papers demanded in the motion, by stating, that the plans of the fortifications which were intended to be carried on in the West Indies, were designed at home by the corps of engineers, and submitted to the examination of the Board of Ordnance, and that one of the corps of engineers, (Colonel Gordon) was sent out to the West Indies, to ascertain how far such of them as were approved by the Board, were adapted to the local situations where they were intended to be erected. Unfortunately, Colonel Gordon died on his passage home, on his return, and all the information that it was expected he would have brought, died with him. The Board of Ordnance, therefore, had nothing in their possession but the bare plans, and had been obliged to discharge their duty respecting the fortifications in question, as well as, under the circumstances of the case, they were able. The Surveyor General declared that he would willingly give the honourable Baronet every information in his power; but he could not help remarking, that the proper time for enquiries relative to the Ordnance estimates, was on the day on which such estimates were regularly under consideration, and at which time the clerks were always attending at the door of the House with all such papers as were likely to be called for, and were capable of affording the House the farther information which they might require. One part of the honourable Baronet's speech, Captain Berkeley said, had been so extraordinary, that he could not help imagining, that some wag, out of sport, had practised on the honourable Baronet's credulity, because it was evident, either that the honourable Baronet had been misled, or that he was in no sort qualified to judge of what he had been arguing about so long. No man had a greater respect for the honourable Baronet's talents than he had; when properly directed, he was satisfied they would enable the honourable Baronet to acquit himself very respectably; the honourable Baronet had undertaken an investigation of the weights and measures of the kingdom, for which the public were very seriously obliged to him, and he had added to that object Somerset House, which might be considered as a tolerably heavy business. He wished, therefore, that the honourable Baronet would stick to his weights and measures; all his pains and labours, dedicated to that object, would entitle him to the thanks and applause of his countrymen; but when he rashly assumed two different characters, and was desirous of distinguishing himself as an engineer, he must plainly tell the honourable Baronet that he went too far, and not only mispent his time, but trifled with the patience of the House; he was just as well calculated to act in

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the character of an engineer, as Caligula's horse to put for a consul. The horse might be a very excellent horse, but it made a miserable consul. So with the honourable Baronet, so perfectly unacquainted was he with the subject, respecting which he had been so long upon his legs, that it was evident he did not even know the forts in the neighbourhood of Portsmouth, nor their names, since he had talked of one as a work there carrying on, when in fact it was a fort in the East Indies, and of another as a new fort, which was nothing more than an old castle, built so long ago as the reign of Elizabeth. The honourable Baronet's language also was such as he really could not understand. The honourable Baronet had reprobated the Board of Ordnance for fortifying by scraps and bits, and had, nevertheless, himself recommended a piece-meal fortification. In another part of his speech, he had advised the Ordnance Board to erect a snug, compact, extensive, and uniform series of works. He was really at a loss to reconcile these strange contradictory epithets; but he had, he owned, shrewdly suspected that the motion which the honourable Baronet had just made, and also those motions which he had made before, relative to the Ordnance business, had been put into his hand by the honourable gentleman near the honourable Baronet, and that they were the very self same motions which that honourable gentleman (Mr Courtenay) was to have made on the day that he disappointed the House, and did not come down agreeable to the notice he had given of his intentions to move them. He was glad, however, that the honourable Baronet had cleared the honourable gentleman from the suspicions which, he owned, he had been inclined to annex to him, by expressly declaring, in his first speech, that he had not had the smallest communication with the honourable gentleman before he came down to the House that day. Captain Berkeley having observed that his noble relation (the Duke of Richmond) was free from every possibility of warrantable imputation, added, that he really meant to pay the honourable Baronet the utmost respect, in regard to his motion, and that he should be ready, at all times, to give him every information in his power, and if he would either withdraw his motion, or permit him to amend it, so as to render it an order practicable for the Board of Ordnance to comply with, he would certainly furnish him with all the information in his power relative to the estimate in question.

Sir *John Miller* in reply observed, that the honourable gentleman had been witty at his expence, but as what he had said, had been said with good humour, the honourable gentleman was perfectly welcome to divert himself and the House. One observation, however, he must say a word upon; the honourable gentleman had thought proper to recommend to

Sir John Miller.

 him

himself [illegible] but one profession at the same time, and not to exercise two? In answer to this, he could but remark, that the honourable gentleman ought to extend the same latitude to others that he chose to take himself. What reason, therefore, could the honourable gentleman assign, why he was not equally warranted to join the character and profession of a soldier and an engineer, with the honourable gentleman's own junction of the professions of a sailor and an engineer? Sir John declared himself ready to withdraw his motion, and adopt the honourable gentleman's proposition, provided it included an account of the expence of transporting the materials for fortifications to the West-India Islands.

The Speaker. The *Speaker* rose to do justice to Mr. Courtenay, and to assure the House, that on the day on which that honourable gentleman was, agreeable to his notice, to have moved something relative to the Ordinance estimates, the honourable gentleman had sent him a letter, while in the chair, apologising for his absence, assigning the cause, and entreating him not to keep the House waiting for him.

At length, the motion of Sir John Miller was withdrawn, and then the Surveyor-General of the Ordinance moved a motion, which was agreed to. The House adjourned.

Monday, 8th March.

Mr. Sheridan. Mr. *Sheridan* observed that, having some reason to conclude that neither the Minister, nor any of those gentlemen who were connected with him in office, would oppose the motion which he should beg leave to submit to the consideration of the House, it might appear improper to enter, for the present, into a detail of the subject. He should not, therefore, trouble the House with any long series of remarks concerning the necessity of repealing the act of the last session, subjecting the manufacturers of tobacco and snuff to the Excise Laws; but he would chiefly employ the few words he should use, in most earnestly entreating gentlemen to pay attention to the subject, assuring them that it was of infinite importance, and the more it was enquired into, the more would its extent and magnitude display themselves, and it would be found that a matter more interesting to the first and dearest principles of the Constitution, had scarcely ever called for the investigation of a British House of Commons. Every Member must wish, that in a question where the revenue was materially concerned, the utmost candour might be preserved, and nothing which bore the smallest appearance of party spirit be suffered to prevail. In all cases of revenue, two or three instances excepted, it must be admitted that the whole House, to a man, had joined cordially and earnestly in supporting the measures in agitation, and in endeavouring,

as effectually as possible, to sustain and keep up the credit of the country. In the only cases in which opposition had been maintained, more good had been done than harm, as had been evident in the case of the Fustian Tax, and the Shop Tax, and he trusted that the same consequence would follow the repeal of the Tobacco Act; for repealed it must be, if the House would fairly and closely examine into its operation, and effects. It was unnecessary for him either to dwell much upon the general inattention of that House to questions of revenue, and the absolute necessity of introducing bills of considerable importance, early in the session, so that there might be time for their full and complete discussion; or to point out the folly of reposing a blind confidence in Ministers' experience respecting matters of revenue. Had the Tobacco Bill been introduced early in a session, it was utterly impossible that it should ever have passed at all; but protracted as it had been, purposely, to the end of the session, gentlemen had not that opportunity of examining and considering a bill of such length, and complicated variety, which ought to have been given, and which alone could prevent the disgrace which the House ultimately sustained, in being obliged, the very next session after it had passed, to revise, reconsider, and amend their own act. No man (Mr. Sheridan said) could pronounce him wrong in this observation, or declare that he hazarded an opinion which was doubtful; since, in passing the Tobacco Act, the House had passed an act, that, in the judgement of the greatest law authority of the kingdom, had been called a mass of contradictions and absurdities. He did not mean to refer to the place where this declaration had been made, because he knew that the forms and customs of that House would not admit of it, and he wished not to be irregular, but he had the sanction of the first legal authority in the kingdom to declare, that the bill was so ill drawn, that it was impossible to be understood, that it was full of clauses of an opposite and contradictory nature, that many of them were absolutely irreconcileable, and that the whole bill had been framed and put together by a man, who could write, but who could not read. The principle of the bill led to the introduction of a general Excise, and, therefore, on that ground alone, it ought to be repealed. He wished, also, that if it were possible, it could be viewed so as to be regarded solely as a matter of revenue, disconnected as it were from the Constitution. He knew that it was impossible in that House absolutely to disconnect the Constitution and the revenue in all matters regarding the revenue; but still he wished that it might be looked on with a trading eye, and solely with a view to the revenue. The Excise laws would then be found likely to cut up our resources by the

[illegible] the moſt fatal mode of collection in its ef-fect, to which it was poſſible to reſort. In the caſe of tobacco they were wholly inapplicable, and, in fact, he would lay it down as a principle in the broadeſt and moſt unequivocal manner, that the extenſion of the exciſe ſyſtem would be juſt as applicable to the cloth which we wore on our backs, the buckles in our ſhoes, and any and every other article of manufacture as tobacco and ſnuff. In concluſion, Mr. Sheridan moved:

" That the ſeveral petitions which have been preſented to " this Houſe, in this ſeſſion of Parliament, praying for a " repeal or alteration of the act paſſed in the laſt ſeſſion of " Parliament, for laying Exciſe duties on tobacco, be re-" ferred to a Committee of the whole Houſe, and that ſuch " of the ſaid petitioners as deſired to be heard by Counſel, " be permitted to be heard by their Counſel in ſupport of " their ſaid petitions."

Mr. Chancellor *Pitt* anſwered, that far from entertaining a wiſh to oppoſe the motion, he roſe merely to remark, that in deciding upon the effect of any meaſure of importance, general aſſertion was no teſt; the exiſtence, extent, and meaſure of any grievance alledged, muſt depend upon the examination of witneſſes, and the weight of evidence; if, by the operation of a new law, calculated to promote and ſecure an increaſed revenue, it were true that the ſubjects ſuffered a grievance, it was certainly proper to go into it, and apply ſuch an alleviation as, under all the circumſtances of the caſe, it ſhould appear expedient to grant; but if it ſhould be found, that the grievance did not in reality and in fact exiſt, the beneficial and neceſſary effects of a Revenue Bill, of acknowledged importance, ought not to be ſuffered to be counteracted by either clamour or general aſſertion. The honourable gentleman had indirectly referred to an opinion reſpecting the merits of the Tobacco Bill, ſuppoſed to have been given by a perſon of great authority in another place. It would, he feared, be extremely difficult for him to combat the high authority alluded to in any place; but moſt certainly he would not attempt to combat it in that Houſe, becauſe it would prove extremely irregular and unparliamentary; yet as the honourable gentleman ſeemed inclined to ſhield himſelf under that authority, and to rely upon it implicitly, in the preſent caſe, he wiſhed to aſk, whether the honourable gentleman and the gentlemen near him, thought the great law authority in queſtion deciſive againſt that Houſe in all caſes whatſoever? With regard to the honourable gentleman's caution to the Houſe againſt repoſing a blind confidence in Government, no ſuch confidence was aſked or expected. It was the duty of Miniſters to get all the information

mation

mation within their reach respecting any measure [illegible] proposed, and to submit it to the House; but it was equally the duty of Parliament to collect information for itself, and to ground a proceeding, to which it gave its sanction, on that information alone. With regard to the late time at which the Bill had been introduced last session, the circumstance had been unavoidable, as a recollection of the transactions of the last session would evince. Since the Bill had passed, he had made it his objects to enquire what the grievances were, which were said, without doors, to have been felt by the manufacturers, and others of the trade, but as yet he had been able to get no information of any. He hoped, therefore, when the day came to go into the Committee, the honourable gentleman would be prepared to come forward with his witnesses, and establish what the grievances complained of were. He pressed this the more urgently, because he had met the gentlemen of the trade, and had a conversation with them on the subject, when, upon his desiring them to specify their grievances in writing, he had been answered, "that they were not prepared to state their "grievances, since almost each individual manufacturer, "carried his manufacture on in a different way, and they "had not then heard from all." When the honourable gentleman gave notice of his motion, he wrote again to the gentlemen with whom he had holden a meeting, to press for the paper he had asked for, and he, at that moment, held in his hand a letter, in which they stated, that they were not prepared; nor had he, from that day to this, been able to get a syllable of information respecting the alledged grievances; but as others might have it in their power to get what he could not obtain, he hoped the honourable gentleman had proved more fortunate, and that he would be ready to bring the necessary evidence forward without delay. He agreed with the honourable gentleman, that all questions of that nature ought to be discussed without any mixture of party. He could not, however, but remark, that towards the close of the honourable gentleman's speech, he seemed rather to forget the caution which he had given the House in the beginning of it, and had fallen into that error himself, against which he had thought it necessary to guard others, or he certainly would not have resorted to the words General Excise, which was an expression meaning something which never had been, nor ever could be defined. When gentlemen talked of a General Excise, he wished they would be so good as to explain their meaning, for he really could not understand it. And as to the honourable gentleman's declaration, that broad cloth, or any other manufacture, be the nature of it what it might, was as fit a subject for the

application

[illegible] Major [illegible] system of Excise Laws, the proposition was [illegible] to be seriously encountered. What analogy was there between broad cloth and tobacco? Every body knew that they were not analogous in the smallest degree.

Mr. Sheridan.

Mr. *Sheridan* replied, that he should not go into any general arguments in answer to the tartness and asperity manifested by the right honourable gentleman, whom he was sorry to perceive so sore upon the subject, but however the right honourable gentleman might lose his temper, he was determined to keep his own, and adhere to the moderation with which he began. As to the general observation that he had made, respecting the consequence of bringing in great and important bills at the end of the session, and passing them in a hurry, it was a justifiable one, surely, since the first law authority in the kingdom had said that the bill was unintelligible, and pronounced it a mass of contradictions, absurdity and oppression. Had he wished to speak of bringing in the bill with any sort of severity, he might have charged the right honourable gentleman with having, in the course of the preceding session, informed the House that the bill was nearly ready, and then having the next year, premeditatedly and designedly, protracted it till the end of the session, when a sufficient number of gentlemen were not in town, or did not attend to give it the necessary examination. Adverting to the Chancellor of the Exchequer's observation respecting the want of analogy between broad cloth and tobacco, Mr. Sheridan declared, that he had never dreamt of any, but merely talked of the applicability of the Excise Laws to two opposite articles of manufacture, The right honourable gentleman had asserted that he had sought the best information in his power, and that the manufacturers had engaged to send him an account of their grievances, but that they had failed to make good their word. Mr. Sheridan contradicted the assertion, and said, that luckily the matter did not rest on his evidence, but a third party, the manufacturers themselves. He confessed he was not present at the meeting, but he spoke upon their authority. It was true, the right honourable gentleman saw them, and asked them to state their grievances specifically in writing; they told him that was a matter of information they could not afford to give him, but wished to give all the information in their power to the representatives of the People. There was nothing extraordinary in this; and yet, because they would not privately communicate their case to the right honourable gentleman, he had charged them with having declined the performance of a promise, which the manufacturers not only never made, but to which they expressly refused to accede. For his own part, he could positively affirm that the Petitioners

titioners had not had recourse to the exciting any [illegible] mour, but were ready to come to the bar of that House, and prove by evidence, that they laboured under a very great oppression and inconvenience. This was the proper mode of proceeding, and it should be considered, that the manufacturers were men of character and respectability, in every sense of the words; when they came to the bar, the House would be able to know who and what they were, and how the facts actually stood.

Mr. 'Pitt.

Mr. Chancellor *Pitt* begged leave coolly and seriously to assure the honourable gentleman, that he neither was then, nor had been, in the smallest degree out of humour; neither had he felt the least soreness on the subject. But the honourable gentleman seemed to have caught a little of the infection which he erroneously supposed had caught hold of him. With regard to the honourable gentleman's charge of his having premeditately protracted the bringing in of the bill last session, the imputation was wholly unfounded in fact. And as to the information which the honourable gentleman had derived from the manufacturers, they certainly were gentlemen of most respectable characters, but he held his own recollection in as much respect as their memory, and he had stated to the House what had passed exactly as it impressed his mind at the time. The honourable gentleman was not present at the meeting himself, as he had candidly confessed, and therefore could know nothing of the matter. In fact, Mr. Chancellor Pitt said, none were present at it, but the manufacturers and himself; where then was the third party, who were to act as the umpires between them? He had told the manufacturers that he wished to have their grievances under the act in some shape before him, in order to get the necessary information from the Revenue Boards, and other persons capable of throwing a light upon the subject, and enabling him to judge, not from general assertions, but from particular cases specifically stated, which, after all, he contended, was the only way in which they could proceed at all. This was his view, and not from an idea of precluding the manufacturers from stating their grievances before the representatives of the people. With regard to his expecting an answer, it was an expectation that he certainly had formed, and he conceived there was no great presumption in his having done so, as the preceding circumstances fully warranted the expectation.

Mr. S[illegible] Thornton.

Mr. *Samuel Thornton* (Member for Hull) said, that the objections to the bill were not general throughout the kingdom, however the London manufacturers might complain of it. That in the borough he had the honour to represent, the manufacturers of snuff and tobacco had declared, on the authority

[illegible] six or eight months trial, that they had no objection to the bill in general, but only wished for a few subordinate regulations.

The motion passed.

Mr. Sheridan. Mr. *Sheridan* rose again to name the day, but begged the honourable Member for Hull to declare whether he did not know that the whole of the bill had not been put in force? A material part of the evidence would go to prove that the bill was so impracticable, that parts of it had been obliged to be suspended.

Mr. Thornton. Mr *Thornton* answered, that the surveys were made more frequently in the country than in town, (only once in six weeks in the latter, but once every fortnight in the former) and therefore, the inconvenience of the act would have been felt more severely in the country than in town.

The ensuing Thursday was named for the day of the Committee's meeting.

Mr. Hussey moved, "That there be laid before this House "copies of the orders and instructions from the Board of Excise to the Surveying officers, relating to the execution of "the Tobacco act of last session."

The motion passed.

Maj. Scott. * Major *Scott* said: Mr. Speaker, I rise in conformity to the notice I gave on Tuesday last, to offer a petition to the House

* *Thoroughly to elucidate the ensuing part of the debate, it may not be improper to submit the following paper to the attention of the reader; and to subjoin to it the copy of a circular letter sent by Captain Williams to the Members of the House of Commons.*

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble petition of David Williams, Esq. Captain in the service of the East-India Company, on the Bengal Establishment,

Sheweth,

THAT your petitioner was in the service of the East-India Company from the year 1769 to the present time. That in the year 1781, he was appointed to the command of a battalion in the service of the Nabob of Oude, under the immediate command of Colonel Hannay, who then commanded a part of the said Nabob's troops in the districts of Gorruckpore and Baharitch. That after the time of your petitioner being in the Nabob's service, there broke out various insurrections in the said districts and others adjacent thereto. That your petitioner did not take upon him the immediate command of the fort of Gorruckpore till the 20th of September, 1781. That on your petitioner taking the command, he was informed by Alhad Sing and Munawar Cawn, that a purwannah had been sent to the latter, ordering him to execute the sentence of the Nabob on Mustapha Cawn, a notorious robber, who lived

House from Captain David Williams; but as it is of a nature new and unprecedented, the House, I imagine, will indulge me in stating, as shortly as possible, my reasons for thinking that the petition ought to be received. In the second year of

lived by plunder and depredation, and was then a prisoner in the charge of Alhad Sing, Jemidar; that owing to the purwannah for execution being directed by mistake to Munawar Cawn, who had no charge over the person of the prisoner, nor any authority whatever in Gorruckpore, instead of Alhad Sing, who at that time actually commanded the fort, the latter did not think it prudent to execute an order made out in the name of the former; and therefore the sentence of death remained unexecuted till your petitioner's arrival; that before your petitioner's arrival, and after his assuming the command of Gorruckpore, he received several letters from Colonel Hannay, of which the underwritten are faithful copies and extracts:

Dated Sept. 11, 1781.

"If you deem there is even a risk of a rescue, let that murderous villain Mustapha Cawn be hanged."

12th. "Mustapha Cawn is so horrid a villain, and will do such infinite mischief, should he make his escape, that he should, without delay, suffer the punishment of his crimes, by being put to death; my reason for desiring this is, that it was the Nabob's orders to me; and should the villain get away, it would be difficult to keep possession of Baharitch. He has often raised seven and ten thousand horse and foot."

13th. "Let Mustapha Cawn be put to death."

The two following were written by Colonel Hannay's Secretary, and by his order:

14th. "Put Mustapha Cawn to death."

16th. "And it is also the Colonel's orders that you put Mustapha Cawn to death."

And your humble petitioner further sheweth, that after having received these repeated orders from his immediate commanding officer, and being assured that the sentence for execution originated in the Nabob, he did not conceive himself more justified in disobeying the order, than he would have been in disobeying the order of the General of an army, for inflicting on a prisoner the sentence of death passed on him by a court martial. That your petitioner has always understood that the Nabob of Oude had the same discretionary powers of life and death vested in himself, as all independent princes must have, and usually do exercise over plunderers, robbers, and others, who infest their government. That your petitioner, from general report and common fame, as well as from the letters of Colonel Hannay, understood that Mustapha Cawn had been a notorious robber in the Nabob's dominions; and that a reward had been publicly offered for his head. That your petitioner understood further, that the said Mustapha Cawn had instigated the prisoners to rise on the garrison during the attack of Gorruckpore fort. That he was detected in conveying letters to his banditti at Nanparra, 800 of whom were in full march to rescue him at the time of execution, and who retreated when they heard of his death. And your petitioner further sheweth, that in his own opinion, as well as in that

of that inquiry which was instituted in this House, previous to the impeachment of Mr. Hastings, it was resolved, that the 16th article of the charges delivered to the House by a right honourable Member (Mr. Burke) contained matter of impeach-

that of all military men with whom he had conversed on the subject, that had he delayed, under the pressure of the then circumstances, the execution of Colonel Hannay's reiterated order for the death of Mustapha Cawn, he would have rendered himself responsible for all the ill consequences which might eventually have followed the disobedience of orders, and have undoubtedly merited, and perhaps have received, the sentence of death upon his own person. And your petitioner further sheweth, that being conscious of having done nothing more than his bare duty, with respect to the putting to death Mustapha Cawn, and that if he was in any degree culpable, it was rather for mistaken lenity in delaying the execution than for hastening it, he was extremely mortified at finding an allegation fixing criminality on himself, in the 13th article exhibited against Warren Hastings, Esq. by the Commons of Great Britain, of which the following is an extract:

"And, on the 5th of September, 1781, all the Zemindars, great and small, and all the inhabitants of Goruckpore, to the number of many thousands, and several others from the adjacent districts, being provoked at the cruel and unjust captivity of the said hostages, or other inhabitants, did raise a general insurrection, and did attack the fort of Goruckpore, in which a native subaltern officer, under the said Hannay, called Alhad Sing, did command, in order to release the inhabitants imprisoned therein; and on pretence that during the said attack, a soldier had cried out, that the hostages or inhabitants aforesaid had begun an attack upon him the said officer, although the said captives were unarmed, did give instant orders to put them all to the sword; which violent and barbarous order the said soldier did set himself to obey, and did actually strike off the heads of eighteen of the said captive inhabitants, and threw them over the walls of the fort, having also wounded several others. And a few days after a victory had been obtained over the people making the said insurrection as aforesaid, the said Hannay, instead of any inquiry into the necessity of the barbarous act aforesaid, committed by an officer under his command, or endeavouring, by lenient measures, to reconcile the persons whose friends had been slaughtered, he did, in cold blood, send a written order to Munawar Cawn, another officer, or other person under him, giving directions concerning a person of great rank, eminence, and consideration in the country, called the Rajah Mustapha Cawn, purporting, that if the said Rajah Mustapha Cawn had been put to death, it was well, if not, to strike off his head, or words or directions to that effect; and the said Munawar Cawn, shocked at the said inhuman and wicked order, did decline obedience thereto, and did shew the same to the very officer who before had committed the terrible slaughter aforesaid. Yet the said officer, who appears to have been of a savage and bloody disposition, did however recoil from the execution of the said order, and declared that he would write to the Colonel (meaning the said Hannay) on the subject, as the order was not expressly directed to him. And the said order did remain without execution till the arrival of

peachment. This vote passed in a Committee of the whole House, and in the House in the same day, the 14th of May, 1787. The charge so passed was next sent to the Committee of Secresy, consisting of the present Managers, and Mr. Francis,

of Captain David Williams at Gorruckpore, when the said David Williams, or some other English officer, did, in execution of the said bloody and arbitrary order, without any form or process, and in cold blood, direct, and cause to be put to death the said Rajah Mustapha Cawn. And the said cruel and atrocious murder, &c."

And your petitioner further sheweth, that the wording of the above clause or item, particularly that part which says, "that the said David "Williams, or some other English officer, did, without any form or "process, and in cold blood, cause to be put to death the said Musta-"pha Cawn, and the said cruel and atrocious murder, &c." has led the readers of the said article into a belief that your petitioner stands charged by the Honourable the Commons of Great Britain with the heinous crime of murder. And your humble petitioner further sheweth, that being soon after summoned by the Managers of the Prosecution against Warren Hastings, Esq. to give evidence in Westminster Hall, he intended to avail himself of that opportunity to wipe from his own character the stain it had received from the aforesaid item or allegation; that after having attended in town for many months, without being called, your petitioner returned into Wales with great uneasiness on his mind, and no other consolation than what arose from the hope of being hereafter called on the part of the defendant, Warren Hastings, Esq. That your petitioner has of late observed, with infinite sorrow and affliction, several publications in a daily paper, called the Gazetteer, reflecting on his character, and holding him out to the world as a murderer, and as a person of infamous character, whose oath ought not to be taken; which said publications quote the declared opinions of the Commons of Great Britain, as expressed in the article before alluded to, as the foundation of the assertions they contain. And your petitioner further sheweth, that the publications already mentioned made their way into Wales, the place of his usual residence, to the great injury of his credit and reputation. That your petitioner finds himself in the most embarrassing and miserable of all situations, being pronounced by the House of Commons, without a trial, or without having been heard in his own defence, a man of the most savage and cruel disposition, as one who had less feeling than the most cruel of the natives, nay, as a murderer.

And your petitioner humbly sheweth, that he is put in a much worse situation than Warren Hastings, Esq. who is the principal object of the prosecution, and who, though accused, is not condemned, and has the means of answering the charges exhibited against him; whilst your petitioner, without being accused, and without a hearing, is declared a man of the most abandoned character, and murderer. And your petitioner sheweth, that the difference in the case of Warren Hastings, Esq. and himself is, that in the former the facts are at issue, and not understood by the world as proved and established, but as accusatory and refutable; whilst in the case of your petitioner, the facts are assumed as certain, and spoken of in terms as strong and indubitable as could have

Francis, that they might frame an article, or articles, from the matter contained in the said charge. On the 23d of May, the Chairman of that Committee presented thirteen articles

been adopted after trial and conviction. And your petitioner further sheweth, that he has consulted professional men with respect to the prosecuting the printer and publisher of The Gazetteer, who are of opinion no action can be maintained, as the aspersions complained of are sanctified by one branch of the Legislature. That being thus deprived of the legal means of redress attainable by one of His Majesty's subjects who finds himself injured in his fortune or reputation by ill report, your petitioner has no remedy but in the justice of your honourable House. And your petitioner further sheweth, that being impressed with the most perfect reliance on the clemency and justice of the honourable House of Commons, he lost not a moment in making the necessary application, but left his place of residence in Wales, and hastened to town, for that sole and express purpose, to his great inconveniency, trouble, and expence.

That your petitioner does not wish to avoid investigation into his conduct; on the contrary, he seeks and implores it. And your petitioner most humbly prayeth, that the honourable the House of Commons will be pleased to take the hardship of his case into consideration, and grant him redress, by ordering an inquiry into his conduct, or by any such other means, as in their wisdom may be thought meet; and your petitioner is the more earnest in thus imploring the justice of the honourable House of Commons, from an apprehension he entertains, that the article already quoted may not come on for hearing during the sitting of a septennial Parliament, which already approaches to its dissolution, and thereby deprive him of an opportunity to make any public explanation or refutation of what is pronounced upon him; neither is your petitioner certain that the forms of law and evidence will ever admit of his publicly explaining his conduct to the high tribunal in Westminster Hall, and to the world at large.

In this miserable situation, your petitioner can only fly to the mercy and justice of the honourable the House of Commons, from everlasting reproach and infamy to himself and family.

And your petitioner shall ever pray.

The Circular Letter.

Sir,

I hope you will excuse the liberty I take, in transmitting you a copy of a petition, which a friend of mine, a Member of the House of Commons, will move for leave to present to the House on Monday next. As upon the event and success of this petition, much of my future happiness and comfort in this life depends, I trust that the soliciting your most serious consideration, and interest also, if you think the case deserves it, will not be thought presumptuous or impertinent in

Your most obedient

humble servant,

D. WILLIAMS.

Queen Square,
March 3, 1790.

drawn,

drawn, as might naturally be suppofed, from the matter fpecially delivered to them by the Houfe. Thefe were read a firft time on the 23d; read a fecond time and voted the 24th, and carried up to the Lords on the 28th. The article of which Captain Williams complains, is the thirteenth, and which is the extraordinary part of the bufinefs; on referring to the original charge, from which this article fhould have been drawn, I do not find a word that can poffibly affect Captain Williams; that is to fay, the Houfe votes that they have read papers, and examined evidence upon matter contained in the fixteenth charge, that they had found matter in it to impeach Mr Haftings upon; they refer it to a Committee to frame that matter into an article or articles. And that Committee prefents to the Houfe matter which is not in the charge; which the Houfe never examined evidence upon, and which the Houfe never heard of. Such, Mr. Speaker, is the real ftate of the cafe; I will not fay a word more as to the manner of paffing thofe articles. It happened at the clofe of a feffion, when gentlemen had been very much fatigued by a long attendance upon the fame bufinefs, and it might naturally be thought that the gentlemen, who were to conduct the profecution, would be the moft proper perfons to frame the articles. But this fact is clear, that the articles ought to have been framed from matter contained in the original charges; and that nothing fhould be introduced upon which papers had not been read, nor evidence examined. Thefe articles were printed by the Houfe of Commons: they were afterwards printed in pamphlets. and circulated throughout the kingdom. I believe Captain Williams did not lofe a moment after he received the copy of them, to tranfmit to me a complete explanation of the heavy charge that was brought againft him. Soon afterwards, he received a fummons, by order of the Managers, and came to town, where he naturally expected to be examined as a witnefs, becaufe his fituation during the time of Cheyt Sing's revolt, and the infurrection in the Nabob's dominions, rendered him more competent perhaps than any man in England, except Captain Gordon, to give material and important evidence. Nor was it, Mr. Speaker, at that time, I will venture to fay, in the contemplation of the wifeft man in Europe, that in this enlightened age, and in this enlightened country, a criminal trial fhould laft beyond one feffion. Captain Williams well knew, that though the Managers, who had expreffly fummoned him, were predetermined that he fhould not be called in evidence, the Counfel for the defendant would. He, however, had the mortification to return to Wales, but with the hope of a full explanation in the next year. The next year, however, paffed over, with very little progrefs made in a fingle article. At the commencement of this feffion he conceived,

with

with the whole world, that whatever delays had hitherto happened, a sincere desire existed in all descriptions of men, to bring to a close this most extraordinary cause. No notice whatever had been taken out of doors of the article that particularly affected his character; it was lost or forgotten in the immense mass of matter that composes the whole impeachment. But, Sir, amidst the various discussions that have taken place out of doors on the subject of the present impeachment, it happened that in this winter a gentleman, totally unconnected with Mr. Hastings, but more thoroughly versed in the languages and history of Hindostan than any man I ever knew, determined to write a short elucidation of the present impeachment. He published it in a series of letters in a daily paper. The letters were very much read, and admired. Some observations were made upon the first of these letters in another paper, and particularly a question was put to the author of the Letters, that if he was in possession of important knowledge, why did he not come forward, and give his evidence in Westminster Hall? To this he replied, that he had received a summons, and should be examined when Mr. Hastings came upon his defence. And he asked, very naturally, how it was possible that he could hitherto have been examined, as he had seen the pains the Managers had taken to avoid calling Captain Williams and Captain Gordon? This brought a reply, in which it is stated, that the Public would naturally feel a considerable degree of surprise, if the Commons had examined a man as a witness, whom, in their accusatorial capacity, they had thought fit to implicate in the charge of murder; and then the paragraph, from the 13th article, relative to Captain Williams, is quoted in full length; nor is the deduction which the writer made, a strained or an unfair one. The House, I am sure, will feel for the situation in which Captain Williams was from that moment placed. He could not possibly remain longer silent. He was in possession of the fullest evidence for his own exculpation, and how could he lose a moment in bringing it forward. The same day that the charge against him was published, I replied to it in his behalf. I knew the House, collectively, was utterly ignorant that a charge of murder had been brought against him; but he viewed the subject in a different light. The words quoted appeared to the whole world as the words of the House of Commons, in the name of themselves, and of all the people of Great Britain. But he trusted to the honour and the justice of the House, that they would, upon his humble petition, institute a full inquiry into the grounds of the charge; and if it was found to be utterly void of foundation, that he would receive redress from them.

I have

I have in my hands the original orders transmitted by Colonel Hannay and his secretary, for carrying into execution the Nabob's sentence upon Mustapha Cawn; and I can prove the hand-writing of both: I can prove also by undoubted evidence, that so far from being, as the article sets forth, a man of great rank and consequence, he was not a native of Baharaitch, but a robber and an outlaw, who had subsisted for years by plunder, at the head of a banditti; which had infested that country to such a degree, that so far back as the year 775, Mr Bristow describes it to have been, even in the time of Sujah Dowlah, in such a state, that it could scarcely be said to make a part of the Nabob's dominions. A price had been set upon the head of Mustapha Cawn many years before he was taken; he was once seized in the lifetime of Sujah Dowlah, and closely confined in the city of Fyzabad, Sujah Dowlah being then absent; but by persuading his guard to desert with him, he made his escape. He lived from that period until the latter end of the year 1780, by murder, robbery, and plunder. I have read, with great attention, every paper that has been presented to the House on the subject of Oude, but I cannot find the slightest grounds for the assertions that are made concerning this man in the thirteenth article. His name is not even mentioned any where, except in the deposition of Achad Sing. Captain Williams and other gentlemen were examined at the bar of this House, but not one question was put to any one of them relative to Mustapha Cawn. The petition is itself so full, that it will be needless to add more upon it; but I beg leave to offer a few words in explanation of my motives for presenting this petition. I have been very long and very intimately acquainted with Captain Williams: there was no gentleman upon our establishment in higher estimation as a soldier. He had the honour, while abroad, of receiving repeated marks of the approbation of Government, and of his commanding officers. And so far was he from being of a ferocious and bloody disposition, that when on command in the borders of Bootan, he received public thanks for conciliating the natives of that country to the British Government, by his moderation and humanity. Since his return to England, he has resided at the place of his birth upon a moderate but independent fortune, parly an inheritance, and has the honour to be in the commission of the peace for the county in which he resides. I am sure it is not the wish nor the desire of the House to brand with infamy the character of a gentleman of this description, nor indeed of any subject of Great Britain; but that must inevitably be the case, should the present petition be rejected, which, however, it would be an insult to the House to suppose.

Mr.

Mr. *Francis* said, he begged leave to go a little more at large into the business, than such a petition might, on the first view of it, seem to demand. It was a case of a singular character and importance, deeply affecting the honour and reputation of an individual, and materially affecting the regularity necessary to be observed in the proceedings of the House. That he never regretted the want of a ready delivery of his thoughts in addressing the House, more than on the present occasion, which, in his opinion, deserved the application, and would justify the exertion, of the greatest eloquence and abilities in the House of Commons. He hoped, however, that he should be able to make it intelligible; and, if once the case was understood, he had no doubt of its fixing a deep impression on the mind of every man who heard him. He had no acquaintance with Captain Williams, and very little previous knowledge of the transaction set forth in his petition. He now, indeed, recollected the fact; but, in truth, he had lost all remembrance of it in the mass and multitude of Indian crimes, with which his mind had been occupied in the interval. That Captain Williams himself had voluntarily put him in possession of the subject, and made him master of the circumstances two days before, by sending him a printed copy of his petition, enclosed in a letter, setting forth *that much of the future happiness and comfort of his life depended on the success of this petition.* He knew not with what view this had been done. Perhaps the same attention had been paid to other Members of the House. Men ought to consider the future happiness and comfort of their lives, as depending on the intrinsic merit or demerit of their actions, and not on the censure that others might pass upon them. In his opinion this unusual mode of circulating his petition, before it was presented to the House, could not be accounted for on any human principle, and could only be attributed to some secret dispensation, by which guilt becomes its own betrayer, and is often made the instrument of its own punishment. It was his purpose on this occasion to say things strong, severe, and personal; and if he should be thought to exceed the bounds of moderation, he desired it might not be imputed to a hasty impatience of temper, to which he was supposed to be more subject than other men; for he said them coolly and deliberately, and after having maturely reflected on their cause and on their consequences. It had been said, that he was a man so implacable in his enmities, that he had renounced the opportunity of amassing such an enormous fortune as many others had done in India, and which he might have done by a coalition with Mr. Hastings; that he had renounced the prospect of succeeding to the government of Bengal, which he might have insured by the same means;

that,

that, instead of receiving a great salary, and enjoying a great situation in perfect quiet and personal repose, together with an ample share in the patronage of the government, he had passed six years of misery and bitterness in an unavailing opposition to Mr. Hastings; and that all this he was supposed to have done and suffered for the sake of gratifying an unaccountable malignity against a man, who, to his knowledge at least, had never done him an injury of any kind; for he disdained to give the name of injury to those mutual transient offences, which happen in the heat of a contest, which most men forget or forgive as soon as they are over, and which the most vindictive mind seldom remembered or resented very long. Be it so. He was going to take a strong part now; and whatever enmity might be imputed to him against Mr. Hastings, he could not be supposed an enemy to Captain Williams, whom he never saw. In reality he neither felt nor could feel enmity towards him. He felt only that indignation which every honest man felt against guilt—against guilt apparent and palpable from his own statement of his own case.

After an exordium to this effect, Mr. Francis said, he should consider the petition first, as it concerned the rules and regularity necessary to be observed in the proceedings of the House, and next on its own proper merits. He would first state the reasons on one side, why such a petition ought not to be received. It was unworthy of the dignity of the House to suffer a great national prosecution to be embarrassed, or the attention of those to whose management they had committed it, to be diverted from its proper object by calling upon them to defend themselves, directly or indirectly, against the allegations contained in the petition. A similar attempt had been already made; and they could not countenance a second without incurring a suspicion that they meant to prevaricate; that they had ordered a prosecution, and meant to desert the persons whom they had appointed to conduct it. He trusted the Managers of that prosecution would take no part, as a body, in that day's debate; more especially his right honourable friend, the Chairman of the Committee of Managers, whom he rejoiced not to see in his place. That tricks and stratagems of this kind would be perpetually tried, for the purpose of embarrassing and retarding the impeachment, or at least of teizing and harassing the gentlemen employed in the conduct of it, if the House did not explicitly shew that they were firmly determined not to countenance such insidious attempts. That, even if it were possible for the House to be capable of such base prevarication, as to wish to thwart and retard their own prosecution, it was utterly unnecessary and superfluous for them to

load themselves, by any act of their own, with so scandalous and dishonourable a desertion of their character and duty. They need only look abroad to see how effectually that sort of service was already done, and doing to their hand, in another quarter. On these general principles, the present and all other petitions, calculated merely to throw difficulties and delays in the way of the impeachment, ought to be rejected. —That, setting aside these general considerations, the petitioner had not made out a case fit and sufficient, in any circumstances, to justify the House in receiving the petition, and yielding to the prayer of it, on any ground of favour or protection due to him. He alledges, that in the 13th article of the impeachment of Mr. Hastings, presented three years ago, it had been averred by the House of Commons, "*That* "*he, David Williams, or some other English officer, did, in* "*September, 1781, without any form or process, and in cold* "*blood, direct and cause Raja Mustapha Cawn, a person of* "*great rank, eminence, and consideration in the country, to be* "*put to death, and that the House had qualified that act, by* "*calling it a cruel and atrocious murder.*"

The House would observe that this allegation was not stated in the impeachment for the direct purpose of criminating Williams, but to shew how horribly the country was treated by persons appointed and supported by Hastings, and to make him answerable for the consequences of his own evil government; that the averment in the impeachment was not the first notice, which Williams had received of the fact being known to the House of Commons. That it was brought into their view by one of the reports made, seven years ago, by the Select Committee,* who received their information from the deposition of a native officer, taken before, and authenticated by a Chief Justice, by Sir Elijah Impey, and transmitted home to the Court of Directors by Mr. Hastings, annexed to a narrative of his proceedings against the Raja of Benares. That of this fact, so established, and so averred by the House of Commons, Mr. Williams had never taken the smallest notice, *until he had of late observed several publications, in a daily paper, called the Gazetteer, reflecting on his character, and holding him out to the world as a murderer*, &c ;—so that as long as his character was vilified and impeached by no better authority than a deposition upon oath, by a report of the Select Committee, and by an allegation of the House of Commons at the bar of the House of Lords, he bore his fate with manly fortitude, and silent perseverance, for seven years together; but the moment this hitherto insignificant calumny had found its way into the

* Vide Supplement to Second Report, Appendix, No. 1, 11, 2.

Gazetteer,

Gazetteer, he could bear it no longer, his patience was worn out, and all his powers of endurance utterly exhausted; and here he comes post from Wales, at last, to vindicate his reputation.

Here Mr. Francis observed, that he had understood it to be the acknowledged character of the gentlemen of Wales, that they were naturally of a choleric, irascible temper, ready to resent an injury the moment it was offered, and by no means capable of commanding and suppressing their sense of an offence for any length of time; he said it to their honour; for that real anger, though it might be violent, unjust, and dangerous, was certainly an indication of an open, honest character, as much as a pretended anger was, in its nature, base and contemptible; that Captain Williams was a Welchman of a singular description, *a patient Welchman!* who could bear any thing and every thing but a libel in a newspaper! But it seems *these publications had made their way into Wales, the place of his usual residence, to the great injury of his credit and reputation.* Mr. Francis said, that indeed the Gazetteer was a morning paper, very much in request, and generally read in London and the neighbourhood, and perhaps in other principal cities, but he did not believe that it was in general circulation in Wales, or in any other distant parts of the country; but, at all events, he undertook to prove, if ever it should be necessary, because he had it from undoubted authority, that the newspapers in question had not reached Captain Williams by the ordinary channels of circulation, but had been particularly transmitted to him by a special act of friendship, out of pure love and kindness, and from the sole motive of a tender anxiety about his reputation. Now, could any man seriously think it probable, that a paragraph in a newspaper should have made a deeper impression on the mind of Captain Williams, than the charge of an atrocious murder preferred or exhibited against him by the House of Commons at the bar of the House of Lords? or, if that were possible, let gentlemen reflect on what has past before their eyes within these few years, and consider what a powerful weapon a newspaper must be in the hand of any man, who was rich enough to pay for it, and desperate or wicked enough to regard no rules of truth or honour in the use he made of it. Captain Williams says, "*he has consulted* "*professional men, who are of opinion no action could be main-* "*tained, as the aspersions complained of are sanctified by one* "*branch of the Legislature.*" This was a new and strange doctrine, and never yet heard of in that House, that any declaration made *obiter* by either House of Parliament, in the discharge of another duty, should have the effect of a *noli prosequi,* and bar any man of his appeal to a Court of Justice

against a private libeller, who had no public duty to execute. He did not believe that any lawyer of character would maintain such an opinion. At all events, Captain Williams should have tried that question in the first instance, and not have resorted to the House of Commons, unless he could shew that it was impossible for him to obtain redress or remedy elsewhere.

On these grounds, Mr. Francis declared that the petition ought to be rejected. The rules, the orders, the consistency, and even the honour of the House were against it, and the petitioner had made out no special case, to entitle him to special indulgence. But, on the other hand, the considerations due to the matter of the petition, did not end there: it did, indeed, in another, and a much more powerful point of view, demand the serious attention of the House. It furnished reasons on the face of it, which, in his opinion, bore down all the opposite arguments, and would in a manner compel the House to yield to the prayer of the petition, *by ordering an inquiry into the conduct of Captain Williams.* That the House of Commons had originally averred that *a cruel and atrocious murder* had been perpetrated, with circumstances of great and enormous aggravation, by Captain David Williams, *or some other English officer*; that the personal guilt or crimination, which the House, from an abundant caution, and not at all for want of sufficient conviction, had left in some degree of suspense, Captain Williams had now voluntarily come forward to claim and appropriate exclusively to himself. He could not endure the idea of a doubt; his mind could not submit to a division of the guilt. *The fact is true, and I am the man!* The homicide being thus avowed, in the face of the House of Commons, they had nothing to consider but the principles on which it was justified, and what notice they should take of it. Captain Williams first stated, that he was in the service of the Nabob of Oude, in 1781. This he had positively denied, in his examination at the bar of the House, as appeared by the following extract from the printed minutes, p. 244.

Q. Did you hear that they (the Begums) intended to rebel against the Saubah?

A. I believe I have stated that they not only intended to rebel, but actually did so, by all the information I could obtain at that period

Q. Did you transmit that information to the Prince in whose service you was, and whose pay you received?

A. *I did not consider myself as in the service of any Prince.* I transmitted no accounts to the Vizier; it was no business of mine so to do.

Thus

Thus was the first exculpatory assertion of the petition contradicted by his own express testimony. The petition next stated, that Captain Williams did not take the command of the fort of Gorruckpore till September 20th, from which it would appear that he took the command for the express purpose of executing the order for the death of Mustapha Cawn; for, from the 11th to the 16th of the same month, five successive orders had been sent by Colonel Hannay to hasten the execution, and he quitted the command as soon as he executed that single order. The petition said, this Mustapha Cawn was a notorious robber; but it was easy to run down men's characters, especially after their heads were cut off. Though thus stigmatized as a robber, Colonel Hannay, in his orders to put him to death, said he often raised seven and ten thousand horse and foot. This accorded but ill with the ordinary ideas entertained of a robber. The truth was, that Colonel Hannay, (" God forgive me," said Mr. Francis, " for having acquiesced in his appointment,") by his extortions and multiplied oppressions, drove the people of the district to rebellion from despair; and, in one of their tumultuous insurrections, Mustapha Cawn, who was a man of rank and eminence among them, was taken prisoner, with two hundred more, and on pretence of a sudden alarm, the heads of eighteen of them were cut off, and thrown over the walls by Alhad Sing, who then commanded the fort. But on what pretence was Mustapha Cawn put to death? No alarm was pleaded in excuse for that. He was then a prisoner, from whom no danger could be apprehended; and orders had been sent for his execution, without even the form of a trial, or the presumption of a legal conviction. These orders were first sent to Alhad Sing; but he, who, on pretence of alarm, had beheaded eighteen prisoners without remorse, refused to execute Mustapha Cawn. What he refused to do, Captain Williams did. In justice to the officers of the Indian army, he felt it his duty to say, that such things were never done on such principles as the petition stated. No native was ever put to death without a trial, unless in the field, or with arms in his hands. They would feel themselves dishonoured by the imputation of such a practice. It was next alledged, that a purwannah had been sent to Colonel Hannay from the Nabob. Had the fact been so, that would have been no authority to Colonel Hannay. Were that a legal warrant of execution, a purwannah for beheading an obnoxious native might be obtained at any time, by a British officer in command, from an enslaved Nabob; and under such a sanction, he might murder whom he pleased: but was the purwannah addressed to Williams? Let him prove it if it was. Did he even know that it had been sent to Hannay? Did he once de-

mand to see it? No such thing. He supposed that it was, and he took common fame as a voucher for the fact. He was *assured*, and he *understood*, and such like. Nor would a purwannah addressed to Williams have been a sufficient warrant. He ought to have known that Mustapha Cawn could not be cut off, without an offence proved on a trial. Of what offence had he been accused? Of an attempt to escape. That, indeed, might be a reason for putting a prisoner into closer confinement, but never for putting him to death. Thus, without a purwannah, without any legal warrant, without a trial, and without any offence, except that of being a robber, which his destroyers imputed to him, but never proved, was Mustapha Cawn led to execution; and yet Capt. Williams, who conducted him to death, complains of the hardship of being arraigned in his own character, without an opportunity of making his defence, of judgement being pronounced on it without a hearing. What were the orders he received? First, from Colonel Hannay himself.

Sept. 11, 1781.

"If you deem there is even a risk of a rescue, let that "murderous villain, Mustapha Cawn, be hanged."

12th. "Mustapha Cawn is so horrid a villain, and will "do such infinite mischief, should he make his escape, that "he should, without delay, suffer the punishment of his "crimes, by being put to death; my reason for desiring "this is, that it was the Nabob's orders to me; and should "the villain get away, it would be difficult to keep possession "of Baharitch. He has often raised seven and ten thousand "horse and foot."

13th. "Let Mustapha Cawn be put to death."

Then follow two written by Colonel Hannay's Secretary, and by his order:

14th. "Put Mustapha Cawn to death."

16th. "And it is also the Colonel's orders that you put "Mustapha Cawn to death."

Such were the orders, and such the allegations on which Captain Williams had executed Mustapha Cawn, according to his own statement. Would not any man think the person infatuated, who should state such a case with a view to his justification? But he not only gave facts in his petition, but morals, and principles, and politics. "I always under-"stood," says he, "that the Nabob had the same discreti-"onary powers of life and death vested in himself, as all in-"dependent princes must have, and usually do exercise over "plunderers, robbers, and others, who infest their govern-"ment." Who infest their government! Had Mustapha Cawn been met in the field, in the act of infesting the Government, no doubt he might have there been put to death;

but

but he was a prisoner, and that he had been a plunderer or a robber rested only on the assertion of Colonel Hannay, re-echoed by Captain Williams, and could not be legally proved but by a trial. He next pleaded his fear of being ordered to execution himself for disobedience of orders; that this was *the opinion of all military men* with whom he had conversed. Who are these military men? Let Captain Williams name them, and let the House judge of the weight of their authority, by their rank and character in the Company's service. Was a British officer bound to obey illegal orders? Was this to be found in the articles of war? From all that he had learned from military men, he understood the direct contrary; that no officer is bound to yield obedience to unlawful orders, and that for such disobedience, a court martial, the tribunal to which he is amenable, must instantly acquit him. He even claimed a merit from his great lenity in delaying the execution—from that mistaken lenity which induced him to delay the execution for a day or two, at the risque of disobedience to the pressing orders of his commanding officer. With what countenance, with what colour of reason or justice, could such a man come forward to complain, that he had been *pronounced by the House of Commons, without a trial, or without having been heard in his own defence, a one who had less feeling than one of the natives, nay as a murderer?* Was the man whom he had put to death, tried? was he convicted? Where, when, by whom? Let him state it if he can. Is Captain Williams in possession of the original sentence? He never saw it. Does he possess, or did he ever see an authentic copy of it? No such thing. *He heard, he understood, and he was assured*, and that is all he knows about the matter. But, supposing a sentence, how came it to be *his* business to carry it into execution? By what authority did he act? where is his warrant? He has none. he never had any. Yes, Sir, he has letters from Colonel Hannay—From COLONEL HANNAY! "*Dear Williams, let Mustapha Cawn be hanged. If you deem* "*there is even the risque of a rescue, let that horrid villain be put* "*to death*" He has letters from a Secretary too; "*Put* "*Mustapha Cawn to death, it is the Colonel's order*;" as if they were talking of the death of a dog, or of one of the most indifferent actions in private life. Can you see such actions brought before you, and refuse to take notice of them; can you hear of such principles advanced and justified in the face of the House of Commons, without declaring your abhorrence of them? In my opinion, Sir, it is a business that touches the honour and duty of the House in its character of the grand inquest of the country; it touches the honour of the nation; it materially concerns the good government of our affairs in India, and may eventually shake or confirm the

the security of our possessions in that country. This petition cannot be dismissed, without very great and serious consequences. Even if the inquiry were to fail, or not to be prosecuted, he earnestly wished, that the petition might be received, that the facts might be recorded on their journals, and stand there for ever *in perpetuam rei memoriam.* He therefore should give his vote in favour of the motion. If the petition was received, it must, of necessity, be followed by an inquiry; the inquiry must produce a prosecution of Mr. Williams; and, unless the ears of legal justice were obstinately to shut against such evidence as the human mind could not resist, as no human creature could listen to without being convinced, the prosecution must end in a conviction for murder, for which the petitioner would infallibly suffer death.

The Speaker. The *Speaker* begged leave to remind the House that he understood there was resolution on their Journals, which had been made in the year 1646, declaring that no petition should be printed before it was presented to the House. He knew not how far the House would feel that there was any thing in the peculiar circumstances of the times when the resolution was made, which rendered it less worthy of being strictly adhered to, than a resolution passed at other and different times. That was a matter which he submitted entirely to the consideration of the House.

Mr. Pitt Mr. Chancellor *Pitt* observed, that the House were certainly much indebted to the attention of the right honourable gentleman who spoke last, because it was highly necessary to adhere to regularity in their proceedings, and that there probably might be as much wisdom in a resolution made in 1646, as at any other period, though certainly it was a period marked with peculiar circumstances. He remembered that the resolution in question, went the length of giving the Serjeant at Arms authority, if he saw any printed petitions delivering to Members before the petition itself had been presented to the House, to take them from the person delivering them, and to take the person into custody. The first impression on his mind, when he heard the petition opened, had been in favour of receiving it, notwithstanding the petitioner had been guilty of an irregularity in disregarding the standing order of 1646; and he had felt so, from the consideration that the Petitioner had stated that his character lay under an heavy imputation, no less than a charge of murder, which had been made by that House, collaterally, in an article of impeachment against another person, and that he intreated an enquiry into the fact of the imputation The natural impression which this at first made on his mind, was to agree to enter upon the enquiry, because if

if the petitioner was innocent, he ought to be acquitted, and if guilty, he deserved the severest punishment the law could inflict: On consideration, however, of the circumstances of the case, he feared the House could not, with any propriety, receive the petition without retarding the public prosecution, which, from unfortunate causes that had arisen, every body must lament had been so long retarded already. He owned he was a good deal struck with some observations made in the commencement of the honourable gentleman's (Mr: Francis) speech. Captain Williams had seen long since an imputation against himself, collaterally and incidentally made by that House in a charge against another person; he had rested easy under it for three years, without once complaining, and what was the reason he complained now? in his petition he alledged only two reasons; the first of which was, because the newspaper, called the Gazetteer, had thought proper to comment on the imputation alledged against the petitioner in the article of impeachment in question. Surely, if the House of Commons had found it necessary, incidentally and collaterally, to make such an imputation, as an indispensable part of their proceeding, the Gazetteer was not called upon to take up the imputation and convert it into a libel. If the Gazetteer had done so, the Gazetteer could be proceeded against by law, without that House's interference, or without its being less likely that Captain Williams might be called upon as an evidence hereafter. Let the petitioner appeal to a jury, and feel what they thought upon the publication in the Gazetteer The other reason alledged in the petition for the petitioner's complaining to the House at that time was, "that the article "quoted in the petition might not come on for hearing during the sitting of a septennial Parliament." That reason existed in as full force three years ago, as it did at present, and as the petitioner had never before seen it as an inconvenience worth a complaint, he owned he thought it rather too late for the House to make it a ground for receiving the present petition. In fact, they would be entangling themselves, and embarrassing the proceedings in Westminster Hall, which they ought studiously to avoid. Besides, if any Member thought the crime so flagrant, and the perpetration of it so notorious, that there was ground for proceeding against the petitioner, he was not precluded from instituting a prosecution by the rejection of the petition.

Major *Scott* said, as I moved for leave to present Captain Williams's petition, I hope the House will indulge me for a few minutes in reply to the observations that have been made; and I must frankly confess, that I approve what has fallen from the honourable gentleman (Mr. Francis) over the way, Maj. Scott

way, more than I do of the sentiments of the right honourable gentleman (Mr. Pitt) below me, because the former has declared it to be his opinion, that the petition ought to be brought up; and he has unequivocally declared his sentiments of Captain Williams; but the latter would reject the petition, though such circumstances have been stated as must place Captain Williams in the most extraordinary situation that ever British subject was placed in, if the matter is to end here. The plea for rejecting the petition is, that he did not complain earlier; but I have fully explained the reason why he did not complain earlier. The accusation against him never had the approbation of the House of Commons: He never was included in any charge before the House. It was unwarrantably thrust into an article which was never read by the House, which the House passed four days before it was printed; unseen, and without a possibility of its being read by the Members; it was undoubtedly carried in the name of this House to the Lords; but it remained connected amidst that immense mass of matter, that very few, I believe, if any, have waded completely through; but at last a writer in a newspaper doth quote it, and draws a free inference from it. Surely, from that moment, it acquired a consequence that it never had before. It now appears as a string of criminatory charge made by this House, and displayed to the world. Has not Captain Williams then a right to pray the House, either to substantiate what has been said in their names, (without their knowledge I allow) or to expunge it from their Journals? I am well aware that the House knows nothing of Mustapha Cawn; they never examined an evidence about him, nor have they a paper before them to shew who or what he was; but let us intreat the House to consider how it stands now. One Member has given it as his decided opinion that Captain Williams has been guilty of murder, and may be capitally punished. But if this House will not receive his petition on the ground that it was now offered under, then calumny must operate against him for ever. If guilty, Captain Williams ought to suffer, if innocent the House in its justice ought to redress him. As to this article coming to a hearing, that may not be in the present century, nor before the close of the next, if we should live so long. Before I sit down, I must take notice of the gross misrepresentations of the honourable gentleman (Mr. Francis). He supposes Mustapha Cawn to have been taken with two hundred men, in an attempt to escalade the Fort of Gorrepore. Had this been the real fact, his execution, some days after, would have been, as the honourable gentleman states it, a murder. But the real fact is, that he had been a proscribed subject of the Nabob's for many years,
with

with a reward offered for his head; that when Captain Williams assumed the command of the district, Mustapha Cawn was under sentence of death, and had been so for some weeks or months before, and the order for his execution was daily expected. There is evidence enough in England to prove this fact beyond all doubt. The honourable gentleman and myself are agreed as to the propriety of bringing up the petition, and the House owes it to its own dignity and to justice, whether to condemn or to acquit Captain Williams.

Mr. Francis.

Mr. *Francis* said, that he had delivered his opinion freely, as he had a right to do, on a subject which he had not sought for, but which had been brought before him, in a parliamentary way, by the act or desire of the party principally concerned; that by doing so, he did not conceive that he was at all obliged to go farther into the business, more than any other Member of that House; though he knew very well that he was at liberty to revive it in another shape, if he thought proper.

Master of the Rolls.

The *Master of the Rolls* conceived that the time of presenting the petition would justify its rejection. It would be absurd for that House to carry on a second prosecution, growing out of a former, at the same time that the first was in process and unfinished. Besides, he would not believe, that any good authority could have informed the petitioner, that he had no legal remedy for what might possibly be considered as a malicious libel. The Master of the Rolls instanced the case of a witness, who could not be prosecuted for what he said in court, while giving his evidence upon a trial for a capital offence; and yet the same facts stated in print, and commented upon, would become a malicious libel, and be so holden by every Court of Law in the kingdom. If a man were indicted for publishing or vending a most profane and obscene book, and another person, merely with a view to disseminate and render the profaneness and obscenity matter of notoriety, were to publish the indictment, the publisher would be liable to prosecution, for having done that, which without answering any one necessary end of justice, could only conduce to vitiating the morals of the people, and debauching their minds. He would not, therefore, admit that the petitioner, in the present instance, had no legal remedy against the Gazetteer, and he begged to be understood to rest his objection to receiving the petition, on these two grounds: first, the point of time at which the complaint alledged in the petition was made, and next, that the petitioner ought first to have had recourse to the laws of the land, before he applied to that House for relief. Had he tried the cause in Westminster Hall, and failed, he would have had some claim upon the House for their countenance and support.

Maj. Scott Major *Scott* said, that after what he had heard, he would not divide the House.

The question was negatived without a division.

Mr. Fox. Mr. *Fox* now rose, and desired to receive an answer to a question relative to a matter of considerable importance. Last session, the House had voted a resolution, "That early in the "present session, they would enter into the consideration of "the sort of government fit for the province of Quebec," and come to some decision respecting it. They had done the same respecting the slave trade, and that had been nearly taken up, and was put into a state of investigation; he hoped, therefore, that he should not be deemed too importunate, if he asked the right honourable gentleman opposite to him, when he expected to be able to bring it forward?

Mr. Grenville Mr. Secretary *Grenville* lamented, that he had not been able to come forward with a subject of so much importance. He waited merely for an answer from Lord Dorchester to certain dispatches, of the arrival of which he had, for some time, been in daily, he might almost say, in hourly expectation. As soon as they came to hand, he should be able to give notice of the specific day on which he meant to come forward with the proposition, he had it in contemplation to submit to the consideration of that House, and the right honourable gentleman might rest assured that he would not lose any time after the arrival of the dispatches to which he had alluded.

Mr. Fox. Mr. *Fox* hoped that the present instance would prove a warning to the right honourable gentleman in future, however rashly he might think proper to pledge himself, not to involve the House in the same rash pledge. The House stood pledged to their constituents to take the subject into discussion early in the present session of Parliament, and now they were told that His Majesty's Ministers waited for dispatches from Quebec!

Mr. Grenville. Mr. *Grenville* denied that he had ever pledged the House in respect to the subject in question. He had not been in a situation responsible for the resolution when it had been voted; nor was the House at all committed by it. With regard to himself, he had not lost a moment in forwarding the object of the establishment of Quebec, suitable to the circumstances and situation of that province; but, owing to an unexpected accident, the packet, containing a plan of the intended system of Government to be established in Quebec, submitted to the consideration of Lord Dorchester, had been delayed a whole month in its conveyance to Canada; and thence it was, that Lord Dorchester's answer and opinion, which were of the first importance, relative to the applicability of the plan, in its adaptation to general and local circumstances, and

which there had been every reason to expect would arrive before the commencement of the present session, had not reached England. Mr. Grenville added, that the matter did not rest with him solely; every individual Member, as the right honourable gentleman well knew, might bring the subject forward whenever he pleased:

Mr. *Fox* rising again, observed, that Quebec had now been twenty-seven years without any established Government. The session before the last, an honourable Member (Mr. Powys) had agitated the subject, and a promise was given on the part of Government, that it should be brought forward in the next session. He was aware that it was unpleasant to advert to the extraordinary circumstances of the last session; but where it was absolutely necessary, it was, of course, unavoidable. Last session, a resolution was entered on the journals, that the House would, early in the present session, bring the subject forward; and now, on the 8th of March, the House were told they must wait for the arrival of a packet from Lord Dorchester, which Government ought to have taken care to obtain a year ago. The right honourable gentleman had pleaded, that he was not in office last year; but, if such a plea were admitted by the House, the province of Quebec might remain for twenty-seven years longer without a settled Government, because it was impossible to say what changes of place might not occur. He saw no reason why Government should not have exerted the same industry between the prorogation of the Parliament in 1788, and the month of October in the same year, as they pretended to have exerted during the late recess. He hoped, however, that when the right honourable gentleman again put off the business, he would afford time for other gentlemen to take it up, and bring it forward, not on the eve of a prorogation, or, for aught he knew, a dissolution, of Parliament. Mr. Fox.

Mr. Chancellor *Pitt* observed that, in his humble opinion, the right honourable gentleman (Mr. Fox) appeared to have taken up the subject with an unnecessary violence. Certain it was, that it lay with His Majesty's Ministers, as an indispensable act, to come forward and propose to Parliament a plan for the better government of the province of Quebec. It was the undoubted duty of His Majesty's Ministers to render that plan as perfect as the nature of the case would admit, before they submitted it to the consideration of the House; and they would surely have been subject to much just censure, if they had brought the plan forward, without the sanction and opinion of the Governor of the province. That it had suffered nothing from the want of industry in his right honourable friend, since he had been appointed to the situation in which he then stood, he was persuaded every man who knew Mr. Pitt.

knew his right honourable friend would readily believe. The fact was, the right honourable gentleman opposite to him had confounded the resolution of the session of 1788 with the resolution of the last session, and thence deduced an argument, which had no relation whatever to the resolution of the last session.

The House adjourned.

Tuesday, 9th March.

No debate occurred.

Wednesday, 10th March.

Mr. F. Montague

Mr. *Frederick Montagu* having previously remarked that he had long considered the emoluments hitherto enjoyed by a Speaker of the House of Commons, as exceedingly inadequate to the maintenance of the dignity of such a station, contended that this great officer ought to be enabled to appear and live, wherever he was, and at all times, not only while he was in town, and pending the continuance of the session of Parliament, but in the country, or wherever he might chuse to go, during the recess, with the splendor and importance becoming, what he undoubtedly was, the first Commoner in the kingdom. Upon an inquiry into the amount and nature of the profits of his place, he had been given to understand, that the Speaker's fees, *communibus annis*, might be computed, on an average of ten years, at the sum of 1,232l., and on average of twelve years, at the sum of 1,266l., and that the allowance to the Speaker from the Exchequer was about 1,680l., so that putting the two sums together, the emoluments of the Speaker did not amount to 3000l., a sum by no means adequate to the dignity of the office, which he and every Member of that House must wish to see properly sustained. He was aware, that the predecessors of the present Speaker had generally holden places under the Crown. Sir Spencer Compton, a very great character, who had been Speaker, had filled the office of Paymaster of the army; and Mr. Onslow, a name never to be mentioned in that House but with reverence, had been Treasurer of the Navy. He did not like that the Speaker of that House should fall under the necessity of looking for the favour of the Crown, and, therefore, he wished the House itself to make an adequate provision for him. With regard to the fees arising out of the business of the House, he should propose that they might remain exactly as they were, because the House had as much business as they could conveniently transact at present, and if the fees were abolished, they would be overwhelmed with such a deluge of private bills, that it would be impossible to get through the whole of its

its business. With respect to the other part of the Speaker's emomulents, he should propose that so much might be added out of the sinking Fund as to make up the whole 5,000l. a year at least, all of which it certainly behoved the honour and dignity of the House to secure. The preventing any occasion for the Speaker to expect a place from the crown, might be considered as the price paid for the purchase of the Speaker's independence; and the public (he conceived) would chearfully pay for a purchase, in which they had so great an interest. In his idea, no individual of that House ought to be chosen Speaker who had not some private patrimony, and the House ought to enable their Speaker to reserve that patrimony as a provision for his family.

Having explained what he meant to suggest, when the House should be in a Committee, Mr. Montagu begged leave to address himself personally to the Chair, and to assure the Speaker, that he had heard his manly address at the comencement of the Session with great pleasure, and that he had witnessed, with infinite satisfaction, since he had held his high office, his strict impartiality, his great attention to business both public and private, and, above all, his care and attention to the forms of the House, and forms, he must be allowed to say, were the very essence of a popular assembly like the House of Commons. The general politeness and easy manners of the Speaker must necessarily endear him to every Member, and, indeed, entitled him to be described, in the words of Lord Clarendon, as "a person of flowing civility "and affability to all kinds of men." Mr. Montagu, in conclusion, moved,

"That this House will, on Monday next, resolve itself "into a Committee of the whole House, to consider of an al"lowance to be made on the Speaker of the House of Com"mons for the time being, more adequate to the dignity of "the said office, and to the expence necessarily attending the "same."

Mr. Marsham.

Mr. *Marsham*, rising to second the motion, declared that he concurred in every word which his right honourable friend had said, as well with respect to the necessity and propriety of an adequate income for the Speaker, in order to enable him to support the splendour of his office, as in what he had remarked in praise of the present Speaker's behaviour since he had been promoted to the dignity of that situation, of which he had discharged the duties, on every occasion, in a manner equally honourable to himself, and creditable to the House.

Mr. Pitt.

Mr. Chancellor *Pitt* observed, that he had it in command from His Majesty to state, that His Majesty recommended it to the House to make an adequate provision for their Speaker.

The motion was then read from the Chair.

Mr. Hussey. Mr. *Hussey* observed, that to all the tributes of applause which had been paid to the right honourable gentleman who filled the chair, he most cordially assented. His whole behaviour undoubtedly entitled him to the praise and approbation of every Member of that House. He wished also, that the emoluments of the office, while in the hands of the present Speaker, might be as full and ample as the very worthy and respectable gentlemen who had moved and seconded the question appeared to desire. He must, nevertheless, dissent from the motion; and when he did so, he begged leave to assure the Speaker that he did not dissent from it from any motive of personal ill-will or disrespect to him. He vowed to Heaven, that if the Chair were at present filled by the nearest relation, and dearest friend he had in the world, he would deprecate the motion, and should equally different from it; and he dissented on these grounds: The additional emoluments proposed to be voted, (for he must necessarily look farther than the present motion, and not appear ignorant of what he understood, and the House had been given to understand, it was intended to be followed up with,) those additional emoluments must be paid out of the money raised by taxes on the people, and consequently would prove an additional burthen upon them. Besides, he was one of those, who, in a former Parliament, had voted, that "the influence of the Crown "had increased, was increasing, and ought to be diminished." Would it be said, that the influence of the Crown was less now than at the time when the House voted the resolution which he had just stated? He believed not. The voting the Speaker additional emoluments, to be paid out of the public money, was not only laying a fresh burthen on the People, but an encrease of the influence of the Crown, by giving the Crown another place to dispose of. He wished, therefore, to stop the business *in limine*, and that it might proceed no farther. Gentlemen talked of the independance of the Speaker. Former Speakers had holden offices under the Crown, and had there been any complaint of their want of independance? The present Speaker, he was persuaded, was a gentleman of too upright a mind, not to be independent equally with or without a place; but he could never think, that obliging the public to pay a large sum annually, would secure the independence of the Chair. It was not (he contended) from what was actually enjoyed, and in possession, that independence was to be looked for, but from what was in expectance; nor could he tell how the proposed encrease of emoluments would answer the professed view of the honourable mover and seconder of the question, unless they

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meant to go the length of ſhutting the door againſt the poſſibility of future rewards, and precluding their Speaker at preſent, and thoſe who might be his ſucceſſors in that high office, from ever receiving the honour of a Peerage at the hands of the Crown, which they all knew had often been the reward of continued labours in the chair, till the perſon who filled it was either worn out in the public ſervice, or deſired to retire from public life, and again become a private individual Member of the Houſe. He hoped, therefore, that the reſpectable character which now filled the chair, would not be the firſt Speaker to derive his emoluments out of the taxes paid by the people, but that he would be taken care of by the Crown, the ſource and fountain of honour and reward, to the favour and gracious conſideration of which, other Speakers had been indebted for the neceſſary addition to their official emoluments.

Mr. *Marſham* having declared himſelf aſtoniſhed at the objection made to the motion by the honourable Member who ſpoke laſt, added, that he did not underſtand what his honourable friend meant by an oppoſition *in limine*, unleſs he were to ſuppoſe that his honourable friend thought the coming into the preſent propoſition would eſtabliſh a bad precedent, and that other officers of that Houſe would expect to be provided for upon ſimilar terms. There was no office in the country which could fairly and reaſonably be compared with that of the Speaker of that Houſe; and therefore, if he were to underſtand his honourable friend to ſay, that the increaſe of the Speaker's income would be an increaſe of the influence of the Crown, there was ſomething ſo monſtrous in the propoſition, taken in that point of view, that he could not imagine the Houſe would feel it to be of any weight whatever. The Speaker was the ſervant of that Houſe, and conſequently the firſt ſervant of the Public, which was a ſituation of great rank and dignity. In his judgement, it was the intereſt of the Public at large, as much as it was the intereſt of the Houſe, that a perſon holding ſuch a ſituation ſhould be ſo provided for as to prevent all ſuſpicion of his being liable to the influence of the Crown. He had no doubt, therefore, but the people would concur with the Houſe in allotting the Speaker an income ſuitable to the dignity of his rank and ſtation, and chearfully pay the expence. To argue that the preſent queſtion ought to be reſiſted, upon principles of œconomy, was to puſh œconomy to its utmoſt extreme; and, under that pretence, to ſubſtitute a miſerable parſimony in a point, of which the leading characteriſtic ought to be liberality and generoſity. Mr. Marſham.

Mr. *Burke* obſerved, that as an honourable gentleman, (Mr. Sheridan) whoſe known purity of mind, and whoſe Mr. Burke

conduct, as one of the most upright, able, and industrious Members of that House, rendered every objection made by him to any measure that was proposed, a matter well worthy of their most serious consideration, had mentioned the resolution voted by that House some years ago, "that the influence of the Crown had increased, was increasing, and "ought to be diminished," it was impossible for him to hear that resolution alluded to, and sit silent. He was well known not only to have taken a part in laying down the principle stated in the resolution in question, but to have acted upon it in more than one instance. He begged leave to remind his honourable friend, however, that the principle was not a moving, a successive principle, coeval with the constitution; it was not a truth immutable and perpetual like an article of our religious creed, but liable to refutation, and though indisputable at the time the principle was laid down, capable of change as circumstances altered. He would venture to say, that the resolution did not apply at present in any thing like the proportion that it had applied at the time, in which it had been voted; if it did, the House had lost much time and wasted considerable pains since, in endeavouring to act upon the principle and meet it on a great variety of occasions. For his own part, he should vote in favour of the motion, for reasons directly opposite to those stated by the respectable Member who opposed it. He should vote for it, because he considered it as an antidote against the influence of the Crown, and as a motion, by admitting which, the House would follow up their own principle, and, in an essential instance, diminish the influence of the Crown. For, what was the object of the motion, but for the House to take the provision for their first officer into their own hands, and to prevent him from remaining longer subject to the influence of the Crown? The struggle, therefore, lay between the influence of the Crown and the influence of the House of Commons; and would any Member of the House hesitate a moment on such a question, in favour of which part he should decide. With regard to laying an additional burden on the people, and giving 5000l. a year out of the taxes paid by them; where was the difference, in the end, to the people, whether they paid the money immediately, or paid it indirectly, through the medium of the Crown? It was well worth their while, at any price, to lay out their money to purchase the independence of the Speaker of that House; and so strongly did he feel this, that he could not but wish that the House would assert its own independency, relieve the civil list from the sum paid to the Speaker out of that fund, and take the whole of the Speaker's salary upon themselves. So far from being a burden to the people, it would,

would, in all probability, prove the means of preserving them from burdens in future. With regard to the amount of the sum proposed, his own opinion was; that 5000l. a year was not sufficient for the purpose. They had a common interest in maintaining the dignity of their Speaker, and what might at one time be adequate to the expence, they all knew well would not be adequate at another. The same nominal income being, therefore, continued, which at one period had been an ample allowance, at another would prove by no means sufficient to answer the same purposes. There was an evident necessity, therefore, for an increase of the Speaker's income. The people, he was persuaded, would readily grant it. The only unequivocal proof of a people's love of their Government, was their consent to pay their money for its support, and to decorate it with every symbol of exterior grandeur. The people had spoken by their proper voice, their purse, on more than one occasion for this purpose. He was satisfied that they would readily open that purse, and unlock their pockets, in the present instance, where the object to be gained would be entirely their own. With regard to the conduct of the present Speaker, Mr. Burke declared that what had been said by other gentlemen, rendered it the less necessary for him to enlarge upon the subject; as far as he had witnessed, the respectable gentleman who now filled the chair, had acted with so much impartiality, attention, and diligence, that he had not only answered the expectations of his own friends, but so far satisfied the House in general, as to attach the good opinion of those who had voted for another person to fill the office. He had been one of those who had voted for another Speaker to fill the office, and if the occasion were to present itself again, he should do the same; because he conceived it to be no disgrace to any man, however distinguished his talents, and however respectable his character, for another to have a preference in his own mind for a particular friend. Certainly, no salary, however large, which the House might vote for their Speaker, would preclude the possibility of his being ultimately honoured with a Peerage, because that House could not deprive their Speaker of any of those honours, which the prerogative of the Crown had a right to bestow either upon their Speaker or any other Commoner.

Mr. *Powys* said, that he thought, with his right honourable friend who had last spoken, that to pass the motion, was following up the principle laid down in the resolution of a former House of Commons, "that the influence of the "Crown had increased, was increasing, and ought to be di-"minished." Indeed, he had entertained the hope that the question was one of those which would have been carried unanimously, (Mr. Powys)

ally, without even the slightest objection whatever. He thought it material to the House, that their Speaker should be rendered independent of the Crown, and that he should look up to that House alone for support. It would, he declared, be carrying œconomy to a most pitiful point of extremity, to refuse to grant 5000l. a year, or even more, for the attainment of so great an object as that now under consideration. Mr. Powys concurred in the praises which had been bestowed on the Speaker, and said that the right honourable gentleman had derived this advantage from the dignified situation to which he had been called, his conduct, during the short time that he had sat in the chair, had been such, that his character and merit no longer depended on the partiality and good opinion of his friends, but could be justified by the unanimous testimony of the House. He hoped, therefore, that his honourable friend, whose motives for opposing the motion, every man who knew him, must respect and acknowledge to be pure and praiseworthy, would consent to withdraw his objection.

Mr. Wilberforce.

Mr. *Wilberforce* observed, that he rather wished that his honourable friend should not give up his objection, because, by persevering in it, the question was put upon its true ground. His honourable friend had stated his objections, under an obvious appearance of embarrassment, at which he did not at all wonder. He declared that his wish had been, that the question should have been debated on public principles, and not considered in any degree as a private question. What had been said, however, rendered it impossible to avoid considering the question in some sort as a personal question, and he was happy to concur in all that had been mentioned of the meritorious conduct of his right honourable friend in the chair, who certainly had evinced as much impartiality, and as much attention to the business of the House, and to individual Members, as any one of his predecessors. Mr. Wilberforce, in conclusion, remarked, that he felt himself proud, as the representative of one of the largest and most populous counties in the kingdom, to say that he was thoroughly persuaded that his constituents would chearfully contribute their share to render the Speaker independent of the Crown, and he had not a doubt but that the rest of the kingdom would gladly bear their part of so slight a burden, when it was imposed for the sake of obtaining so great an object.

Sir Watkin Lewes.

Sir *Watkin Lewes* observed, that as the motion had been objected to by one honourable Member, on a ground that it would saddle the Public with an expence, if he might be allowed, as one of the Members for the city of London, and scarcely less acquainted than perhaps any Member of that House

House with the sentiments of the Public, to risque an opinion, he should declare that he believed they would be pleased with it, and would rejoice at seeing that the House of Commons was desirous of making their Speaker independent of the Crown. Whatever might contribute to support the independence of the Speaker, was supporting the independence of that House, and the people were deeply interested in the subject. If he had any objection to the proposition, or the idea thrown out by the right honourable mover, it was, in its not being sufficiently liberal or adequate to support the dignity of the office. If a corporation granted a more liberal salary to their chief magistrate, besides a mansion to reside in, out of their revenues, and which fell short of the expence of that office, how much more did it become the House of Commons, the representative of the people, to support the dignity of their Speaker, the first commoner in the kingdom, out of the purse of the public?

Mr. Hussey. Mr. *Hussey* protested, that if any arguments which had fallen from these honourable gentlemen who disapproved of his opinion, during the course of the debate, could have convinced his mind that he was wrong in objecting to the motion, he would most readily have consented to say aye, when he meant to have said no; but what he had heard, howsoever ingeniously advanced, was not of weight sufficient to induce him to change his sentiments. He confessed that he had spoken under the influence of embarrassment, and he declared that he always felt embarrassed when he addressed that House. He was sorry for it, but could not help it; he nevertheless retained his opinion. Colour the matter as they would, the effect of the motion, and the consequences with which it was avowedly intended to be followed up, would be an increase of the influence of the Crown, by putting it in the power of Ministers to give away one more place. He declared that he most cordially subscribed to the high sense which the House entertained of the merits of the present Speaker, and wished him to enjoy as ample emoluments as any of his predecessors; but as the Crown had a check upon the election of a Speaker, by its being incumbent on that House to submit their choice to the approbation of the Crown, he thought that a part of the Speaker's emoluments ought to depend upon the pleasure of the Crown.

Sir Joseph Mawbey. Sir *Joseph Mawbey* accompanied the expression of his earnest wishes that the motion might pass unanimously, with the remark, that in the early part of his life, when a very young Member of that House, he had the honour of an acquaintance with Mr. Onslow, and had heard him declare, that he resigned the Treasurership of the Navy, because he thought it incompatible with the dignity of Speaker of the House, and

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the necessary independency of that office, for him to hold a place, during pleasure, which the Crown bestowed.

The question was at length put, and the motion was carried, with the single negative of Mr. Hussey.

The House adjourned.

Thursday, 11th March.

The annual bill of indemnity having been brought in and read a first time,

Mr. Pye. Mr. *Pye* observed, that he could not avoid objecting against the clause which indemnified Lieutenants and Captains of the militia for not having exhibited the necessary qualifications. The security which the Public derived from the militia, in a great measure, arose from the circumstance of the Lieutenants and Captains being really and *bona fide* possessed of the qualifications required by the act of Parliament; and the practice of uniformly indemnifying them for not having the necessary qualification, tended essentially to do away the object which the Legislature had in its contemplation, when it originally framed the militia bill.

The Speaker. The *Speaker* submitted to Mr. Pye, whether it would not be more adviseable for him to make his objection upon the second reading of the bill, or when it should be in a Committee?

Mr. Pye. Mr. *Pye* admitted the propriety of the Speaker's suggestion, and said, he had only wished to give early notice of his intention to object to that part of the bill.

Mr. Francis. Mr. *Francis* gave notice, that on the ensuing Monday he should make a motion on the affair of Captain Williams, and hoped that such Members as were learned in the law, and military men, particularly those General officers who had held high stations and commands in India, would make a point of attending on that day, as their advice and opinion would be particularly appealed to; the first on points of law; the second, on the discipline and practice of the East-India Company's army.

Mr. Dundas. Mr. *Dundas* wished to know the nature of the motion.

Mr. Francis. Mr. *Francis* said, that he had no motive or desire to conceal his intentions, and that he meant to move for a Committee of Inquiry.

Major Scott then moved for various papers from the India House, calculated to throw light on the transaction, and

Mr. Francis for copies of the letters from Colonel Hannay and his secretary to Captain Williams; and of the orders of the Nabob of Oude to Colonel Hannay, relative to the execution of Rajah Mustapha Cawn; which were severally ordered.

The House adjourned.

Friday, 12th March.

The House went into a Committee to consider of the repeal of the act which subjects the manufacturers of tobacco to the excise laws; but as their time was chiefly employed in hearing evidence upon the subject, and as the particulars of this evidence will be more properly stated in another place, we shall not now submit them to the perusal of our readers, but proceed to the occurrences of

Monday, 15th March.

The order of the day being read for the House to resolve itself into a Committee, to consider of a proper allowance to the Speaker of that House. Three accounts were, upon motion, referred to the Committee.

The Master of the Rolls took the chair.

Mr. *Montagu* having previously read his motion, and observed that he meant to fill up the blank with the sum of five thousand pounds, begged leave to remind the House, that upon the day when the subject fell partly under their consideration, he had stated that, on an average of ten years, the Speaker's emolument for fees, had amounted to 1,232l., and on an average of eleven years, to 1,260l., which, with the payments out of the Exchequer, made in all somewhat under 3000l. a year. There were, besides, some other emoluments of less important consideration, which, however, it was right the House should fully know; and these consisted of equipment money, on the commencement of a new Parliament, amounting to one thousand pounds; a service of plate of two thousand ounces, about a thousand more; a hundred pounds for stationary; and, what every gentleman who had partaken of the hospitality of the Speaker's table, must be glad of, two hogsheads of claret annually. These were the whole of the perquisites, fees, and income of the Speaker; and surely, it must be admitted, that such an income was by no means equal to the support of the necessary dignity and splendor of the office; an office which ought to be supported wholly independent of the favour of the Crown. Mr. Montagu observed that he meant to propose that the difference between the sum now received, and that which he should propose, should be paid out of the sinking fund, and he appealed to the right honourable and learned gentleman in the chair, who himself deservedly held a judicial office of high rank and authority, whether it had not been usual, whenever the Judges salaries had been raised, to put the payment of the addition upon the Public, and leave no more upon the civil list than it had been originally charged with. He recollected that when Mr. Onslow was Speaker, and held

Mr. Montagu.

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the office of Treasurer of the Navy, upon a warm discussion of a certain political point, the question came to be decided by the casting vote of the Speaker, and after Mr. Onslow had given his vote, the place which he held was thrown in his teeth. Mr. Onslow being a high-spirited man, the very next day resigned his place; and though he held the office of Speaker for eighteen years afterwards, to the disgrace of the House, he received no more than the income of the amount of which the House were now apprized. The consequence was, that when he resigned, Mr. Onslow must have retired in a very uncomfortable state, indeed, had not the House, aware of the circumstance, and feeling their own credit or disgrace involved in their conduct on the occasion, voted Mr. Onslow a pension of 3000l. a year for two years. The present proposed increase of the Speaker's income would prevent a similar necessity arising to future Speakers, and therefore, Mr. Montagu trusted, as it involved the dignity of the House, that there would be an almost unanimous vote on the occasion.

Mr. Grenville. Mr. Secretary *Grenville* declared, that he thought it incumbent on the honour and dignity of the House to support their Speaker with an income adequate to the splendor which ought to accompany him, and to the character of the high office which he enjoyed. Mr. Grenville added, that it was the more satisfactory to his mind to concur in the motion at that time, since, on every ground of personal consideration, it was evident, that the right honourable gentleman who now filled the chair with so much credit to himself and advantage to the House, had merited and obtained the approbation of all its Members.

Mr. Wel. Ellis. Mr. *Welbore Ellis* begged leave to add his tribute of applause to those so deservedly offered to the right honourable gentleman (the Speaker) who had completely fulfilled the expectations of his friends, and by his propriety and impartiality engaged and secured the general good opinion of the House. Mr. Ellis approved of the motion, declaring that the Speaker of that House was not only a great officer of state, but a great officer of the people, who ought, undoubtedly, to maintain him with that splendor and dignity becoming his high situation.

Sir G. Cooper. Sir *Grey Cooper* thought that the increase of the Speaker's income had been delayed too long, to the great disgrace of the House of Commons in former Parliaments, Ministers having, at least indirectly, confessed that the income was inadequate to the office, by almost constantly appointing the Speaker of that House to a place under the Crown.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that having, on a former occasion, taken the liberty to recommend the present Speaker

to the House for their election of him to the chair, he had been backward in declaring his sentiments on the subject, lest the declaration of them might be imputed to motives of personal regard and partiality. He was particularly glad, therefore, to find that the motion, with the propriety of which he entirely concurred, had come from gentlemen who could not possibly be suspected of having acted from any motive but sense of what was due to the dignity of the Speaker's situation, and he was not a little flattered in finding that his right honourable friend had conducted himself while in the chair in a manner so much to his own honour, and to that of the House, by whose suffrages he had been raised into so distinguished a situation.

Sir *John Miller* paid the Speaker many compliments, but declared he thought the increase proposed infinitely too small. Sir John said, the increase ought to be paid from the day that he had been chosen Speaker. Sir John Miller.

The *Speaker* now rose, and expressed his acknowledgement for the kindness and partiality of the House. He observed that he must be dead, indeed, to every sense of gratitude, if he forbore to say that the impression made upon his mind by the flattering opinions of so many great and respectable characters, was such as no words he could utter were capable of describing. To have the good fortune, in any shape, to be thought worthy of the favourable opinion of that House, he considered as the highest honour which could have happened to him, but if he had been so fortunate as to meet the approbation of that House, it had, he was persuaded, arisen from the support the House had always given him; and the only return he could make, was by declaring, that it should operate as an incentive to his perseverance in endeavours to compensate by attention for whatever he might be deficient with regard to abilities, and he would assure the House, that his sole guides should be his judgement and his conscience in the maintenance of their authority, and in a faithful and impartial discharge of the duties of the office with which he had been honoured. He intreated those gentlemen who had particularly brought forward the present motion, to believe him when he declared, that their conduct on this occasion had, if possible, increased the respect which he had long entertained for their characters; and redoubled all the inviolable and sincere impressions of gratitude and esteem which their unremitted candor and indulgence had excited. The Speaker.

Sir *James Johnstone* having observed that the Majesty of the People was represented in the person of the Speaker of their House, contended, that the addition proposed was too small an increase. He thought that another thousand a year at least ought to be added; and concluded by declaring, that Sir James Johnstone.

if any gentleman would second him, he designed to move that addition, by way of amendment.

A multitude of the Members having exclaimed, "Move! Move!" Sir James moved his amendment, which was seconded by Alderman Sir Benjamin Hammet.

Mr. Pitt. Mr. Chancellor *Pitt* expressed his wishes, in which he declared himself confident of meeting with a concurrence from the inclinations of the House, that the vote on the present occasion should be unanimous, and although he was much gratified in finding, that if there could possibly arise the least difference of opinion, it was only whether the increase was to be one thousand pounds more or not, yet as the right honourable gentleman who had originally made the motion, had certainly done it on mature deliberation, and from a well considered idea that five thousand pounds was just about the sum to which the Speaker's salary ought to amount, he rather trusted that the House would take example by the right honourable gentleman's moderation, and that the honourable Baronet, and the respectable Magistrate, who had moved the addition, would be prevailed on to let the sum stand as originally moved, and to withdraw their amendment.

Mr. Fox. Mr. *Fox* declared that he highly approved of the motion, having long been of opinion that the emoluments of the Speaker were by no means adequate to the dignity of his situation. He admitted that it was a desirable matter that the motion should pass with unanimity, but if the sense of the House were taken, he should certainly vote for the larger sum.

On the division, there appeared

Ayes, for the original motion,	28
Noes - - - - -	154
Majority -	126

The amendment was now put, and carried without a division.

As soon as the division was over, and the strangers had resumed their seats in the gallery, the Speaker called to

Mr. Francis. Mr. *Francis*, who rose, and desired that certain papers might be read, which, he said, would save time, and shorten the debate.

1. The deposition of Ahlaud Sing, Subadar, stationed in the fort of Gorruckpore; the deponent sworn before Chief Justice Sir Elijah Impey, 26th November, 1781, contained in the Appendix, No. I. to the Supplement to the second Report of the Select Committee. This deponent states, that he had confined under his guard 115 Burgomals, inhabitants of Surwaur; that on the 5th of September, 1781, the fort was attacked by great numbers of the country people; that during

during the attack, he gave orders to his havildar to put all the above prisoners to the sword; that he instantly struck off the heads of eighteen Burgomauls, and threw them out, and wounded several others: that, a few days after, an order came from the Colonel *(Hannay)* to *Munuvevar Kan*, directing that, if the Raja Mustapha Khan had been put to death, *well*; if not, to strike off his head: *Munnuvevar Khan* shewed him (the *deponent*) the order, who said, "The order is not "written to me; I will write to the Colonel on the subject." That the Captain *(Williams,)* on his return to Gorruckpore, gave orders that the head of Mustapha Khan should be struck off, and he was beheaded accordingly; and a proclamation was made through the town, that those, who were guilty of such crimes, would meet with the same punishment. That, marching from thence, in four days the Captain arrived at Baunsi. The Rani of Baunsi came to see him; but her son prepared for hostilities, and said, "*They have struck off the "head of our Raja at Gorruckpore, and I will be revenged.*"

2. Extract of the 13th article of charge against Warren Hastings, Esq. *Vide Captain Williams's petition.*

3. Extract of Captain Williams's evidence before the House of Commons, on the 2d of June, 1786, *quoted by Mr. Francis in the debate of the 8th instant.*

4. Copy of a letter from the Nabob of Oude to Mr. Hastings, received on the 15th of September, 1782, viz.

"My country and house belong to you. There is no difference. I hope that you desire in your heart the good of "my concerns. Colonel Hannay is inclined to request your "permission to be employed in the affairs of this quarter. "If, by any means, any matter of this country, dependant "on me, should be entrusted to the Colonel, I swear by the "Holy Prophet, that I will not remain here, but will go "from hence to you. From your kindness, let no concern, "dependant on me, be entrusted to the Colonel, and oblige "me by a speedy answer, which may set my mind at ease."

These preliminary readings being finished, Mr. Francis said, that although he had not the vanity to think that any thing he was able to say could have made a deep impression on the House, he, nevertheless, believed that, considering how much the subject of Captain Williams's petition had been agitated, both in the House and abroad, it would be unnecessary to go over the same topics again, on which he had fully given his opinion already. There were two passages only in the former debate, of which he found it necessary to remind the House. The first was, that it had been stated by a person of authority, (Mr. Pitt) and seemed to be admitted with general assent, that, although a petition of that nature could not be received, it was still open to any

Member to bring the matter of it under the consideration of the House, by a motion or otherwise. The second was, that it had been particularly urged to him by a Member in his place, (Major Scott) that, considering how heavily he had charged Mr. Williams, he was bound, in duty to the Public, and in common justice to the party, to bring the business forward in some shape or other, to give Mr. Williams an opportunity of clearing his character, or to punish him, if he deserved it. To this application he had immediately replied, that, by giving his opinion ever so strongly on the merits of a case, which the petitioner himself had submitted to the House, he did not conceive that he was at all engaged (though perfectly at liberty to do so, if he thought proper) to proceed farther in that business, any more than any other Member of the House. On that point, he had not altered his mind, though he had taken another resolution, for reasons which it was proper and incumbent on him now to state to the House. Gentlemen, he believed, could not but have heard of a report prevailing abroad, that in the interval since the last debate, a private application had been made to him on the part of Captain Williams. He would now state the circumstances of that part of the transaction as fairly and distinctly as he could. There was nothing in his conduct that wanted shelter by suppression; there was nothing in his character that wanted protection by concealment. He felt and knew that, in this respect, he was above suspicion. That, on Tuesday the 9th instant, he had received a visit from *two* gentlemen, who were commissioned by Captain Williams to represent to him that, considering the severe and personal terms of crimination, in which he had charged Captain Williams with murder, it was demanded of him, in point of justice, it was expected from him, in point of equity, and even solicited from his candor, that he would take it upon himself to promote a regular inquiry into the facts, without which Captain Williams never would have an opportunity of clearing his character and conduct in the eyes of the world. That, in the course of the same day, he had received a second visit, on the same subject, from one of the same gentlemen, accompanied by a third, and by Captain Williams himself, who repeatedly assured him at that time, and the next day, at an accidental meeting in the street, that, in addition to all his claims on the score of right and justice, he should for ever consider Mr. Francis as *his best friend*, if he would, some way or other, endeavour to bring the question to an issue. To these representations, concurring with his own sense of the importance of the case in a public view, and to these alone, he had yielded. The House would naturally start with surprise at the name or idea of friendship attached to an

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act, apparently so hostile to this gentleman, as an endeavour to institute an inquiry which might terminate in a trial for his life; yet, if gentlemen would consider it a little, they would perceive nothing absurd or unreasonable in such an application of the name of friendship. The sense, in which that language was used by Mr. Williams, and received by himself, made it rational and proper: for, supposing it to be true that there was no other course left to save his character from everlasting infamy, but an inquiry productive of a capital prosecution, it might then, in its effect, be a proof of real and substantial friendship, to urge and promote that hostile inquiry. If this idea still wanted explanation, gentlemen perhaps would understand it better, by comparing that fair and open hostility, to which he alluded, and which, in its operation at least, might be useful, if not amicable to its object, with an enmity of another kind, which, under the title, mask, and profession of friendship, acted really and intentionally to the disgrace and ruin of the person, whom it pretended to serve. That instances of such friendship must have fallen within the observation of every man, when to answer a special purpose, to serve a particular turn, a treacherous, meddling friend makes no scruple of sporting with the lif and honour of another, and of advising or betraying him into steps, which might lead to his destruction. Of such abandoned treachery, however, he did not mean, in the present transaction, directly or indirectly, to accuse any individual; and he said so expressly to obviate the possibility of a misapplication of his words. But there was a busy, interposing friendship, which, though not treacherous in its intention, might be as ruinous in its effect as even perfidy itself; and of this they had examples every day before their eyes; a cruel, blind, and restless indiscretion, which took a concern where it had none, which gave advice without being asked, and ruined the very cause which it was most eager and zealous to support. That such friendship, without discretion, though sincere in its principle, was enmity in effect, and the most dangerous counsellor, with which any man or any cause could come into contact. Mr. Francis said he had stated the application made to him by Captain Williams, for three reasons. First, to silence the voice, or rather to stifle the whispers of secret calumny; as if any motive, but those which he had stated, could have had the weight of an atom to determine him to do, or to restrain him from doing any act whatsoever. In speaking of calumny, he alluded only to the language of the malicious and the ignorant. They who were informed, and knew what passed, would bear witness, if it were necessary, to the truth of every thing he had stated: they were all military men of character, and

particular friends of Captain Williams. Secondly, to obviate a suspicion, which possibly might occur to people abroad, who saw nothing but what appeared on the face of the public proceedings, viz. that he had resumed this business out of pure spite and malice to Captain Williams, and not on the ground of justice, concurring with and enforced by the earnest desire of the party most concerned. Thirdly, to account to the House for the extraordinary circumstance of his being in possession of the original petition, signed by Captain Williams, who had readily furnished him with it. Without this paper, he could not have taken any farther step in the business, for want of evidence of the *fact*, on which the issue of *crime or no crime* was to be tried. Captain Williams had now voluntarily, and for a purpose beneficial to himself, declared, under his hand, that he had put *Mustapha Cawn* to death: and here he begged the House to observe, that whenever he alluded to Captain Williams's confession, he meant only of a fact; for he had not yet been advised to plead guilty of the crime.

Having thus explained the motives and principles which had induced him to resume the subject, Mr. Francis said, he would proceed to the important part of what he had to offer to the consideration of the House, and would state the course of proceeding he meant to pursue, viz. first to shew, that a native of India had suffered death by the orders and agency of two British officers. Secondly, who the person was, and in what circumstances he had suffered death. Thirdly, that the fact had been affirmed in terms of high crimination by the House of Commons, at the bar of the House of Lords. Fourthly, that it was now for a third time brought into the view of the House; first, by the reports of the Select Committee—secondly, by the petition of Captain David Williams—and thirdly, by the present proceeding, concurring with the voluntary desire and earnest request of the said Williams, for an enquiry into the fact, and supported by voluntary declarations under his hand, that he put Mustapha Cawn to death deliberately and after some delay. Fifthly, That it was a fact of which the great inquest of the nation, ought, and was bound to take notice; and that there were various courses. Sixthly, That the evidence was sufficient to establish a *Corpus delicti* in a Court of Justice; that is, that a man had been violently deprived of life, without the process of any law, or warrant of any magistrate whatsoever, by a British subject. Seventhly, That this fact being averred and admitted, a Court of Justice could not refuse to try the issue of *crime or no crime*; and Eighthly, That the justification set up was more important than the fact itself, whether done upon the authority of a purwannah from the Nabob,

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or under sanction of an order of a commanding officer. Having stated these eight propositions Mr. Francis proceeded to support and establish them severally by argument. With regard to the first, he said, he need trouble the House with little upon that head. The fact was proved by the deposition of an eye-witness, taken upon oath by Sir Elijah Impey, and exhibited at the bar of the House of Lords, where that Chief Justice declared, that the deposition had been regularly taken. With respect to the second, who the person was, and under what circumstances he suffered death, the same deposition proved that Mustapha Cawn was, and had been for some time, a prisoner confined in a fort, of which Captain Williams had taken the command for a few days only; that he was put to death in cold blood by the immediate order of Williams, not on pretence of any alarm from without, or insurrection of the prisoners, but deliberately and quietly, whether in the pretended execution of a pretended sentence, or in obedience to repeated orders received from the late Lieutenant-Colonel Alexander Hannay; that Mustapha Cawn was a Raja, or Prince, and must have been what the House of Commons had averred him to be, a person of great rank, eminence, and consideration in that country, since he had been able to raise ten thousand horse and foot, and the Rani of Baunsi's son described him by the title of *our* Raja. Third, that the House of Commons, in the thirteenth article of their impeachment of Mr. Hastings, had formally and truly averred, at the bar of the highest tribunal in this kingdom, that David Williams, or some other English officer, did, in execution of a certain bloody and arbitrary order, (given by the late Alexander Hannay) without any form of process, and in cold blood, direct and cause Raja Mustapha Cawn to be put to death, and this act is further averred by the House of Commons to have been *a cruel and atrocious murder, committed on a person of high rank.* 4th. The truth of the assertions contained in the fourth proposition admitted of no dispute. Captain Williams had declared under his hand that, *if he was in any degree culpable, it was rather for mistaken lenity in delaying the execution than for hastening it.* The act, therefore, whether criminal or innocent, was not done hastily, not in a moment of sudden passion or alarm, not even upon the spur of an occasion, but deliberately, after some delay, and with time taken for reflection. 5th. That a homicide, so circumstanced, so forced into the knowledge of the House of Commons, and so averred by a solemn declaration of their own to be *a cruel and atrocious murder*, was a proper subject of inquiry in that House;—that as long as it was a question, or in any degree doubtful, who the person was who committed the murder, the

the House of Commons might be excused in not proceeding farther. But now that the man came and forced himself into their view, if they wilfully shut their eyes to such a fact, or refused to enquire into it, they would desert their duty, they would violate their trust, they would forfeit their right, and, in fact, cease to be what the constitution had made them, not for their own sake, but for the good and service of the People, the grand inquest of the nation. That all constitutional powers and jurisdictions were given to be exercised; and would be forfeited not only by corruption or abuse, but by failure and negligence, in consequence of which the powers so given would sooner or later lapse into other hands. If a case could be imagined, in which the House of Lords should be guilty of a gross and palpable abuse of their jurisdiction in the face of all mankind, whether by a formal denial of justice, or by scandalous tricks and delays equivalent to a positive denial, would any man affirm that they would not thereby, and ought not to forfeit their jurisdiction; that the public service ought to be left unperformed, and that no substitute ought to be provided to fill up and execute the office which the nobility had deserted! He hoped such a case would never happen in England; but it had actually happened in another country. The Roman Senate, in consequence of a similar practice, on a similar subject, had lost their jurisdiction, and seen it transferred to another order in the Republic*, and that he had lived to see many much more extraordinary and difficult revolutions in the conduct of human affairs, than it would be to transfer the jurisdiction of the Lords to some other tribunal. That the present question was of great public importance; that it touched the national honour and character, if a case so enormous, once known to the House of Commons, should be dismissed or past by in silence; that if the House refused to take cognizance of it, they would in effect give a *quietus* to all murders already committed and hold out an indemnity to all the murders that might hereafter be committed in India. Let the executive power look to it; let the Board of Control look to it. From the moment such a resolution passed, the natives of India would have no security for their lives. That supposing an opinion could be maintained, contrary to his own clear and certain conviction, viz. that no existing

* *Vide Appianum de bellis Cic.* 1. 22.
"Caius Gracchus legem tulit depotestate judiciorum, quæ ob judicum "Corruptelas erant infamia, a senatorio ordine ad equites transferenda, exprobrans Senatoribus recentissima maxime exempla, Aurelium "Cottam, *Salinatorem*, Manium Aquilium, qui *Asiam* devicerat, peculatûs manifeste reos, elapsos corruptis judicibus, &c."

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law of this country would reach the case in question, it did not therefore follow, that a crime so atrocious in the fact and so dangerous in the example should pass unpunished. He had no doubt that Captain Williams might be tried on the statute of the 33d of Henry the Eighth, in which the case of *all* murders committed by British subjects, *without* the King's dominions, was specially provided for.—But, if not, it would then be so much the more necessary for the House to proceed in a Legislative way, by a bill of pains and penalties, if not by attainder. That the House of Lords had furnished an example of this mode of proceeding, on occasion of the murder of Captain Porteous, at Edinburgh, in the year 1737 Of their own motion, they instituted an enquiry into the transaction, and heard evidence at their own bar; and on that ground alone, brought in a bill of disabilities against the magistrates of Edinburgh, for neglect of their duty, &c., which passed into a law. He did not recommend such a proceeding now, because he was sure it was unnecessary. That he understood it to be a rule in the criminal courts, and he thought it a very prudent one, before they suffered an indictment for murder to be tried, that a *Corpus delicti* should be previously established, that is, that it should be proved first of all that a human creature had been deprived of life;—he did not know whether this was an ancient rule in the Courts, or only of a modern date; but he believed the institution or the revival of it was owing to a fact which had occurred not many years ago, of a man's having been indicted, tried, found guilty, and executed for a murder, though it appeared soon after that the person, supposed to have been murdered, was alive.

In the present instance the fact or death of Mustapha Cawn was out of all question; no man disputed it. It was not only proved by a deposition upon oath, taken by an English Chief Justice, but by the best of all evidence, the voluntary declaration of the party, not confessing a crime, but avowing an act which he supposed to be innocent at least, if not a meritorious act of duty. With such a declaration before them, under the hand of Captain Williams, would a court of justice say, that they could not suffer the issue to be tried, because there was no proof that a man had been deprived of life, or that no *Corpus delicti* had been established? Impossible! No judge could be guilty of so gross and wicked an absurdity. Whether the act was done *violently, without process of law, or warrant of any magistrate*, were properly questions to be determined by the trial. In the mean time it was sufficient for the House to observe, that Captain Williams had not produced, and did not pretend to have received, or even to have seen, any sentence or warrant whatsoever for

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putting Muſtapha Cawn to death; but had reſted his juſtification on the military obedience due to his commanding officer, whoſe orders had been communicated to him, not in the form of a regular warrant, but in ſundry private letters from Lieutenant-Colonel Hannay and his ſecretary, written in a friendly familiar ſtile, and without the ſmalleſt reference or alluſion to any previous court martial, or other mode of trial whatſoever as for example, "If you deem "there is *even a riſque* of a reſcue, let that murderous "villain be hanged. My reaſon for *deſiring* this is, that "it *was* the Nabob's orders to *me*—the death of Muſtapha "Cawn is of the higheſt importance."

8th. That the juſtification ſet up by Captain Williams was of infinitely greater conſequence, in every point of view, than the ſingle murder of an individual, however atrocious, inaſmuch as it aimed at eſtabliſhing a fertile principle of impunity in favour of murder, and of every other crime, which our officers in India might be tempted to commit. He ſays, "He was *informed* that a perwanna *had* "*been ſent* to one of the native officers in the fort, *ordering* "*him to execute the ſentence of the Nabob on Muſtapha Cawn.*" No ſuch *perwanna*, nor even a copy of it, appears. His return to the order of the Houſe of Commons is, "*Captain* "*Williams has no perwanna nor any copy of the perwanna iſſued* "*by the Nabob for putting Muſtapha Cawn to death.*" The return from the India Houſe to the ſame order is, "*The Re-* "*cords in poſſeſſion of the Eaſt India Company in Europe do not* "*contain an entry of any order from Colonel Hannay, or perwanna* "*from the Vizier for the execution of Raja Muſtapha Cawn.*"

Mr. Francis therefore ſaid he had a right to affirm it did not exiſt; *de non apparentibus et non exiſtentibus, eadem eſt lex.* Did Captain Williams pretend that it was directed to *him*? No. Did he pretend that he had ever ſeen it?—No. Then to *him*, at leaſt, it could have been no authority. But, if Colonel Hannay were alive, if he were preſent, and had twenty perwannas to produce from the Nabob of Oude, and even if they were all the voluntary acts of the Nabob, would the Houſe ſuffer a Britiſh officer to juſtify the putting any man to death by the bare order of a native prince of India? When ſuch a juſtification of ſuch a fact was brought, nay forced into their view, would they aſſent to it in ſilence, would they confirm it by a direct approbation, or would they not blaſt it by the ſevereſt condemnation? But what in effect was the Nabob, or any other native prince connected with us, but a vaſſal and a ſlave? the vaſſal of the India Company, and the ſlave of the Company's ſervants. Mr. Haſtings, in his minute of the 15th of December, 1779, ſays that, "in conſequence of a treaty made with the "Vizier

" Vizier in 1775, *he eventually and necessarily became a vassal* " *of the Company*. Mr. Francis agreed in the fact, though he said it arose from another cause, from a measure proposed and executed by Mr. Hastings himself, in the year 1777. If this was his condition in 1779, what was it in the subsequent years, when the power of the Company's servants over him and his dominions, had gathered strength by continuance, and fastened itself upon him. Mr. Francis earnestly intreated the House to listen to the language in which this unfortunate prince, once the sovereign of a country equal to England in extent, and with an annual revenue equal to three millions sterling, describes his situation. The letters from which the following passages are taken, are in evidence before the House of Lords*, and appear to have been written by the Nabob, who is also Vizier of the empire, to his vaqueel at Calcutta, about December, 1782. "Writings are now sent to you for " both cases. Having privately understood the wishes of " Mr. Hastings, deliver which ever of the writings he shall " order you; for I study Mr. Hastings's satisfaction." Again. " It is like the proverb of raising dust from the " waters of the River. The gentlemen make all these " accusations for their own continuance and confirmation " in authority. Having *kindly* interested themselves in my " affairs, they thus represent and write to Mr. Hastings " the situation of my country far and near. All this is the " diligence and zeal of the gentlemen towards me! I am " not in such a degree ignorant as not to know what is, or " what is not for my advantage. *Bound hand and foot*, I " am wheeled round by the rage of the river, and then you " tell me, *be wise, do not wet your garment*. I am assured " that the *friendship* which the gentlemen here shew " to me, is not known to Mr. Hastings." You see he knows what sort of friends they are, who so *kindly* interest themselves in his affairs.—" I am in so strange a situation, " that my life is even disagreeable to me. Mr. Johnson has " appointed Aumils, and Peschars, and Fouzdars on his " part, and he has made me his Toshuckjee to give the " Kelauts; and, when Mr. Johnson's orders arrive, if there " be an instant's delay, *he is angry!*"—Mark that; Mr. Johnson, a writer in the Company's service, is angry with the Vizier of the Empire, with the Sovereign of Oude. " I am like a *Chuppagur* to affix the seal, *(a sealer)* and am " obliged to write whatever the Aumildars appointed by " him wish, whether conformable or contrary to custom;

* Vide Minutes of Evidence, page 796.

"and the delay of a moment is the cause of anger. As my "condition is come to this pass, what pleasure is there left "in life!"

Such is the freedom and independence of a Mahomedan prince, whose order is supposed to be a sufficient authority to an English officer to put any native of India to death. Is it, or is it not?—the question is before you: you cannot evade it. If you refuse to condemn, you admit; and if you admit, you approve. From that moment you adopt the principle, you tell your officers in India they may commit any murder with impunity, provided they have the sanction of the perwanna of a Nabob; of a miserable enslaved creature, without a will, without a choice, nay without any other security for his life, but an implicit submission to the very people who plead his orders to shelter their own crimes. Look to the consequence. If I were Governor of Bengal, do you think I could not obtain from Mobarek Ul Dowla, the nominal Nabob at Moorshedabad, a perwanna to put to death any native in the country? He is just as good and effective a sovereign of Bengal as the present Vizier was of Oude in the year 1781: what the latter may be now, I know not. Would an English court of justice listen to such a plea? Would they endure it a moment? I am able to prove to you, that, even in a civil action, they would reject it with indignation. About twenty years ago, an action was brought against the late Governor Verelst for false imprisonment, by two Armenian merchants, who had been seized in Oude, and brought away by force to Calcutta. In that case, as in the present, the justification set up was, that the act in question was done by the order and authority of the late Suja Dowla, at that time Nabob of Oude, and unquestionably exercising sovereign power in his own country. How had the judges received and treated this plea?

"*Chief Justice de Grey.* I consider the Nabob as not "being the actor in this case; but the act to be done, in "point of law, by those who procured or commanded it; "and in them it may doubtless be a trespass. Sujah Dow-"lah was a mere instrument; he acted not from any "motives of his own, but acted through awe and fear."

"*Justice Gould,* of the same opinion."

"*Justice Blackstone,* of the same opinion. The Nabob "was a mere machine, an instrument and engine of the "defendant."—And the consequence was, that the Armenians recovered 5000*l.* damages.

The second plea, in which I believe Captain Williams principally relies, viz, that he was bound by military law to obey the orders of his commanding officer, and that, if he had delayed the execution of those which he received from

Colonel

Colonel Hannay, *for the death of Muftapha Cawn, he would have rendered himfelf refponfible for all the ill confequences which might eventually have followed the difobedience of orders, and have undoubtedly merited, and perhaps have received, the fentence of death upon his own perfon.* Before the Houfe confidered the validity of this plea, Mr. Francis requefted they would obferve that it had no fort of connection with the former. It took none of its force from the fuppofed order of the Nabob; for, whether fuch order to Colonel Hannay exifted or not, Captain Williams, on the principle of the prefent plea, was bound, at the hazard of his life, to obey the orders of his fuperior officer; if this were true, all other pleas in defence of the act in queftion, were fuperfluous. The moment the orders of Colonel Hannay were proved, Captain Williams muft be acquitted. I fhall not argue the point of law on this fubject; the articles of war exprefsly limit the obedience of military men to the *lawful* orders of their fuperior officers. This Houfe, I prefume, will not fuffer fuch a doctrine to be maintained here, as that an officer is to obey all orders whatfoever, without diftinction, and whether they relate to his military duty or not, to march or to murder, to fight or to affaffinate. I did expect, becaufe I think the occafion naturally demanded it, that fome gentlemen, who have held high ftations in the India Company's army, would have attended here this day, either to fupport the character of a brother officer, or to vindicate the reputation of the whole military fervice in India; for never was it fo heavily impeached before. I did every thing in my power to engage their attendance*; but their abfence is a fufficient declaration of their opinion. I refpect them too much to think it poffible that they would have refufed or neglected to appear and fupport the honour of a brother officer, if they thought they could have done it without injuring their own.

As to the afperfion, implied in the defence of this tranfaction, on the whole Indian army, I fhall take upon myfelf to vindicate their character from that foul reproach, though I own it would have come with greater propriety from General Officers, who have ferved and commanded in that army. Some Members there are, however, in this Houfe, though not fo high in rank, who have ferved in India with diftinguifhed honour, and who, I am fure, will come forward, and fupport me, when I affirm, that the act in queftion, and the defence fet up for it, are as oppofite to the general practice of the Britifh army in India, as they are to military law, and to every juft and rational principle of military dif-

* Sir Hector Munro and Sir Archibald Campbell were abfent.

cipline.

cipline. I affirm that no native of Hindostan within the English jurisdiction, either in garrison or in the field, is, in any case, even for trivial Bazar offences, ever so slightly punished, without process of trial, nor capitally without a public declaration of the offence, and a regular warrant signed and sealed, following trial and conviction. If you suspect the contrary to be true, if you believe that this particular fact is only a sample or specimen of the common established practice of your army in India, then, indeed, you must carry your inquiry much beyond the present case. If you approve such principles, say so; if not, you must censure and correct them. There is no medium. Your resolution this night, will be an instruction to that army for ever. At this point I might safely stop, and submit it to the judgement of the House, whether I have not laid sufficient ground for the motion with which I mean to conclude. But there are still some very remarkable circumstances which deserve your attention. I shall state them shortly, as they occur to my memory. You have heard a letter read from the Nabob to Mr. Hastings, which shews, that at the very time when he is supposed to have trusted Colonel Hannay with a power of life and death over his subjects, that officer must have been to him an object of fear and execration. So far was he from wishing to punish the insurrections which happened about that time in Baraitch and Gorruckpore, that Mr. Hastings tells you that he was strongly suspected, as well he might, of being concerned in them himself. He says, *he had received several intimations imputing evil designs to the Nabob.* Among the depositions taken by Sir Elijah Impey, and sent home by Mr. Hastings, there is one of Major John Macdonald, in which he states his information, that one of the insurgent Rajahs *had a sunnud from the Nabob, and also that he had the Nabob's directions to drive the Finges* (the English) *out of his district.* Among the papers annexed by Mr. Hastings to his narrative, there is a letter to him from Jacob Barnet, dated 18th September, 1781, containing the following words:—" *There is another letter from Major Hannay, dated Fyzabad,* " *10th instant, the purport of which is nearly the same as that in-* " *closed, to caution you against the secret designs of the Nabob.*" The letter inclosed is from Major Macdonald, and to the same effect. Consider this evidence; consider the state to which we had reduced the Nabob and his country, and then determine which of the two is most probable, that he should have fomented the insurrections, or that he should have vested Colonel Hannay with authority to put the insurgents to death. Among these depositions, Sir, there is one more distinguished, at least more to my present purpose, than the rest; distinguished, I mean, by its omissions, much more than

than by its contents. It is the affidavit of Captain David Williams, ſworn on the 27th of November, 1781, when the tranſactions of September, and *his own ſituation* at that time, of which he profeſſes to give an account, muſt have been freſh in his memory. Accordingly, he relates, with the moſt minute exactneſs, every thing he had heard, ſaid, or done, in the courſe of that period. Every day's march, halt, counter march. Even the receipt of Colonel Hannay's letters and orders, from day to day, is punctually ſpecified. Of two things only there is no mention whatſoever—the execution of Muſtapha Cawn, and the interview between Captain Williams and the Rani of Bauuſi, at which her ſon refuſed to be preſent. Now, I aſk you, is it poſſible that in a depoſition, otherwiſe ſo very minute and particular, two circumſtances ſo remarkable could have been omitted, without deſign? Is it not evidently a ſuppreſſion of facts, which the deponent felt and knew could not be ſafely mentioned? One fact more, and I have done. The only letter from Colonel Hannay to Captain Williams, in which the mode of execution is preſcribed, runs in theſe words: "*Dear Williams,* "*&c. If you deem there is even the riſk of a reſcue, let that* "*murderous villain Muſtapha Cawn be* HANGED." Captain Williams did not obey the order, if it was one, for he cut off his head. To the victim of ſuch an order, it might be of little moment in what manner he was deprived of his life; but the inference I draw from the fact is material. If Captain Williams thought that the office he took upon him (no matter by what authority) was purely miniſterial, that he was only executing a ſentence of death, as if it had been paſſed on the priſoner *by a Court martial*, for ſo he deſcribes his ſituation, how could it have poſſibly entered into his mind, that he had any right to alter the ſentence? The order was arbitrary, and ſo was the execution of it.

Now, Sir, having laid and enforced this charge of murder ſo heavily againſt Captain Williams, God forbid I ſhould omit or ſuppreſs any thing that appears to be in his favour. Againſt ſuch a maſs of conviction, I believe the circumſtance I allude to will have little weight; but let it avail him as far as it can avail him. The earneſtneſs, with which he ſolicits and provokes a trial, is *primâ facie* evidence that, let the action in its nature be what it may, he who did it was not conſcious of committing a crime. It will be incumbent on his judges to give due weight to that circumſtance, compared with all the reſt. For my part, Sir, I fairly acknowledge it to be true, that I am prejudiced againſt him; ſo prejudiced, that no power on earth ſhould compel me to ſit in judgement on his trial. I ſhall not be ſuſpected of meaning that low and vulgar diſpoſition of the mind, that forms an

opinion

opinion rashly without knowledge, and obstinately adheres to it without inquiry. My mind, I confess, is pre-occupied on the subject; but it is by every information I have been able to obtain, and by every reflection on the evidence, of which my understanding is capable. But the same prejudgement, or prejudice if you will, which ought to exclude me from any share in the judgement, expressly qualifies me for that part, which I have taken in the charge. It is no more in my nature than it would be my duty to agitate such questions as these with coldness or neutrality. I cannot look back to the occasion, or forward to the consequence, of the share I take in this business, without feeling, as I ought to do, not only for the innocent being that has suffered death, but even for the guilty hand by which it was inflicted. I cannot reflect on the possible event of this day, that it may produce a trial for murder, and terminate in a sentence of death, without great agitation. But, as I hope for mercy to myself, in that hour, in which the best of us will tremble at the name of justice, I believe I have done right. To Captain Williams I shall only say, in the merciful language of our law, derived from the humane and generous character of this nation, I believe you to be guilty. But go to your trial, and God send you a good deliverance.

Mr. Francis concluded with moving, "That a Committee "be appointed to enquire into the circumstances attending "the execution of Rajah Mustapha Cawn, and by what authority the said Mustapha Cawn was put to death."

Mr. Windham seconded the motion.

General Burgoyne

General *Burgoyne* began by stating, that however reluctant he might be to offer himself to the House upon most occasions, this was one in which, as a soldier, as a Member of Parliament, or as a man, he could not remain silent. He was more earnest and forward than many other gentlemen upon this subject, because it had been his particular duty to consider it deeply. Had the thirteenth article of the impeachment been brought forward last session it would have been his lot to have maintained the charges therein contained, of which the execution of Raja Mustapha Cawn make a striking part. He should certainly have treated it before the Lords in the words found by the House of Commons, as "a cruel and atrocious murder," imputable to Mr. Hastings, who, by encouragement of military abuses, and by perversion and prostitution of honourable discipline, had suffered British officers to become subject to the vilest employments of the most abominable misgovernment. It might then have been a painful, though it would have been an unavoidable duty to have brought forward Captain Williams, who was not immediately upon his trial; but in this place that

pain

pain was completely done away, for the gentleman came voluntarily before the House, avowed the act, and put to issue its justification, viz. obedience to orders; all, therefore, now to be considered was, whether an investigation moved for upon the principles of public justice, and at the prayer of the parties, was of a nature and magnitude for the intervention of this great inquest. It would perhaps be said that the House of Commons was not the proper tribunal for military enquiry. In the more technical parts of military service perhaps not; though even in such, instances might be produced wherein the House had thought themselves competent to take cognizance; and such an enquiry had constituted one of the happiest days of his life. In the present instance the character of the nation, the honour of the British arms was to be vindicated, and the House was not only justified by its competence, but called upon by its duty to proceed.

It has been often, and well remarked, (he continued) that the military establishment of Britain never lost its reference to the law of the land; the limitation of obedience in the mutiny act is to *lawful* commands. No man will confound this limitation with the real, fair operations of war, with actual conflict of arms; commands consonant to the nature of war as practised by civilized nations, are lawful—I will presently consider the distinction. Sir, there is another law upon which the military establishment of Britain had also the glory to stand, the law of humanity—that law, without which valour is a crime and a curse, without which an army is the heaviest infliction that can fall upon a people, an instrument for the destruction of our species or the desolation of countries. The law of humanity ever distinguished the British arms, and till they were carried to Gurrucpore, gave immortal lustre to their exertions in every quarter of the globe. No man shall go farther than I will in maintaining obedience to orders, considered as a general principle; it is the vital essence of the military system; it cannot exist without it. If in real service I receive orders which I think absurd, I am bound to obey, and have only secretly to lament that I am under an absurd commander; if I am ordered to march to inevitable destruction, I must obey, because it may be expedient to sacrifice a part to save a far greater part when no other means will do it; but if I receive an order in which the service of a soldier is debased; an order that my conscience revolts at, that strikes at that sense which God has planted in my breast, to excite my duty to him through the medium of my duty to my fellow-creatures, here my idea of obedience ceases, and gives place to a principle more forcible and more just. There was an occasion

on which I thought it a duty to myſelf to give to the public my ſentiments upon military obedience. I did it in print, and with my name.—I beg leave to repeat a ſhort paſſage of what I then maintained, not from any partiality to my own words, but to ſhew that my opinion is not the ſudden reſult of the preſent caſe; it was then formed upon mature deliberation, and the moſt acute perſonal feeling, and it continues to be my profeſſional creed. The words I refer to are theſe, "The man who obeys at the expence of his fortune, his "comfort, his health, or his life, is a ſoldier; he who obeys "at the expence of his honour, is a ſlave."

Sir, it has been my happineſs to be ſupported in this principle by every Britiſh officer with whom I have converſed upon it. Were I to appeal to remoter times and other honourable ſervices, I ſhould alſo be juſtified by example: A memorable one occurs in the hiſtory of France. At the maſſacre of St. Bartholomew, the officer who commanded at Bayonne (I believe a Marſhal of France) received the King's orders to employ the troops and the Catholic inhabitants to put to death all the Hugonots within his diſtrict. What was his anſwer? "I have communicated Your Ma-"jeſty's orders to the perſons mentioned in them; I have "found brave ſoldiers and faithful citizens, but not one "executioner. We join in ſupplicating Your Majeſty to "make uſe of our hands, our hearts, and our lives, in ſer-"vices that are not impoſſible." There is an inſtance of this generous ſpirit equally authenticated, that is ſtill more ſtriking, as the perſon was far leſs likely to poſſeſs it; I allude to a hangman himſelf. Some days after the ſame maſſacre had taken place at Lyons, the common hangman was ordered to follow ſome miſerable victims who had eſcaped, and to deſtroy them. How did this noble fellow anſwer? "No," ſaid the *brave Bourreaux*, "I am not an aſſaſſin; when I "work, it is in conſequence of law and juſtice."

I truſt no one will ſuppoſe I mean to inſinuate any thing againſt the characters of the officers in general who have ſerved in India. There are many, very many, in the Company's ſervice as well as in the King's, as highly worthy the diſtinction of their country as any who have bled for it in other parts of the world. My honourable friend who made the motion laments the abſence of the officers of the army in India, Members of this Houſe, upon this occaſion; I lament it alſo. But I cannot refrain taking notice of one of thoſe officers who is preſent (Colonel Fullarton) whoſe conduct has been illuſtrious, and whoſe ſentiments I hope to hear upon this particular ſubject. The honourable gentleman will pardon me for thus directing myſelf to him, but I confeſs a farther motive for offering him a teſtimony of my

reſpect.

respect. Many years ago I warmly remonstrated in this House against the nomination of that gentleman to a high military rank without his having passed through the subordinate gradations. I thought it an injury to the army, and a bad precedent. I am now happy in an opportunity publicly to acknowledge that his services have justified the act. More enterprize and sound conduct, more ability in every branch of the military profession, has not been shewn by any individual, and I rejoice that the country was not deprived of his exertions. The General concluded by expressing his hearty concurrence in the other arguments advanced by his honourable friend (Mr. Francis.)

Attorney General.

The *Attorney General* observed, that the articles of impeachment had been each naturally divided into three parts,—the narrative and introductory part, the illustrative and explanatory, and the allegations or facts charged. In the first of these, the narrative and introductory, the fact now made the subject of debate, had been collaterally stated; but surely there was no necessity for the House, at present, to lose sight of the main charge, and engage in an investigation of the collateral part of the introductory narrative of any one article of the impeachment. The House would please to recollect that he was one of those who had not been willing that the trial in Westminster Hall should take place; but the impeachment having been voted and instituted, he professed himself extremely anxious, that it should proceed without interruption or embarrassment of any sort whatsoever. If the House, while that important proceeding was going on, were to engage in a new and separate proceeding, they would find themselves entangled; and he could not better illustrate the force of his objection to the present proposition than by stating to gentlemen the effect of the event of the motion, in both of the different points of view in which it might be expected to take place. Supposing, for a moment, for the sake of argument, that all the criminal facts alledged against Captain Williams should be established, and he should be put upon his trial for murder. He would, in that case be sent before a jury, charged with one of the most capital crimes which the law knows, and his defence necessarily must be made under infinite prejudices in a case where his life would stand in imminent danger. Would that be acting humanely, or indeed even fairly, with respect to him, the humane spirit of our criminal laws considered, which are always more cautious, more liberal, and more humane in proportion as the offence is more heinous, the punishment more severe, and the execution of the sentence more certain, if conviction takes place? Nor was this all. How would such a possible event operate upon Mr. Hastings? It would sub-

ject his defence to peculiar and great disadvantages; disadvantages with which he ought not to be loaded. There would then be the authority and weight of a criminal prosecution ordered against Captain Williams by the House of Commons, and a capital conviction in consequence. On the other hand, supposing that upon an enquiry, or even upon a trial directed as the result of an enquiry, Captain Williams should be acquitted; in that case, the Managers of the prosecution in Westminster Hall would feel themselves much inconvenienced, and the defendant in a High Court would gain what might also be termed an unwarrantable advantage from the circumstance. In every point of view, to set on foot a new proceeding on a subject of criminal accusation springing out of the charges now prosecuting in Westminster Hall, would be an embarrassing circumstance. It would prove much better, in his opinion, not in any degree to violate the integrity of that proceeding, and it would be well worth while for those who were of opinion that the Committee ought not to be agreed to, to recollect another ground of necessary caution; and that was, the practice and usage of Parliament in respect to criminal prosecutions. That House had heretofore studiously and carefully confined itself to misdemeanors, and cases of high treason, but had never ventured (for, so he believed the fact was) to intefere between the two extremes of criminal offence; and that for the wisest of all reasons, because Parliament would depart unnecessarily from the exercise of its proper function, if it interfered where the law courts were fully able, and most competent to administer justice to the subject. Upon the whole, Mr. Attorney General submitted it to the serious consideration of the House, whether it would be wise, expedient, or proper, for them to countenance the reproduction by piecemeal of the collateral and subordinate charges which were necessary to compose and constitute the impeachment now trying in Westminster Hall?

Maj. Scott Major *Scott*, now addressing himself to the Chair, said: Sir, I rise to offer a few reasons in support of the motion made by the honourable gentleman (Mr. Francis), but in so doing, I shall take the liberty to expose some of the most extraordinary misrepresentations that have ever fallen even from him. The progressive history of the business which has produced this motion, is of a very singular nature. In the year 1782 the narrative of the insurrection at Benares arrived in England. In one of the depositions in the appendix to that narrative, the circumstances of the execution of Mustapha Cawn are mentioned; but though a Select Committee of this House made two Reports upon that insurrection, not one single reflection was cast upon Captain Williams;

liams; not an idea was entertained then of a murder having been committed. But, Mr. Speaker, in one of those reports much pains were taken and strong arguments were used in order to prove that the rebellion, which was allowed to have existed in Gorrucpore and Baraitch, was not excited by the Begum. It is stated in the report, that the country was inhabited by rebellious Rajas, who, for years, had paid little attention to the orders of Government, and seized every pretext to withhold the revenues of the State, which were only paid by compulsion. A new ground is now taken, and now it is asserted, directly contrary to fact, and to former admissions, that the insurrections were imputable to the oppressions of Colonel Hannay; though the fact is notorious, and was once admitted by those who now assert the contrary, —that the country was in the utmost confusion long before he entered it.

When the articles were brought forward, then, for the first time, was this execution of Mustapha Cawn stated as a murder. The honourable gentleman says, the House of Commons have given it that name. Why will he not fairly argue the matter? He knows in his conscience, that the House of Commons have not done so; that they never saw the article. [A cry of order, order.] If, Mr. Speaker, I am disorderly, I shall not presume to state that fact in future; but this I am perfectly in order to say, that the original charges brought before this House by a right honourable gentleman, (Mr. Burke) did not contain a syllable, either about Captain Williams or Mustapha Cawn; that the Committee which framed the articles was ordered to frame them from matter upon which the House had read papers and examined witnesses. I am therefore entitled to say, that by introducing this extraneous matter, they exceeded the orders of the House. Let the merits, therefore, rest upon their own ground. But this charge against Captain Williams was not supposed to operate to his disadvantage, even in the opinion of the Managers, for they summoned him to town to give evidence. The House had previously examined him at the bar, without asking a single question about Mustapha Cawn.

When the circumstance was mentioned in the Gazetteer, and a very fair deduction made from it, then Captain Williams thought it right to appeal to the justice of the House, and the honourable gentleman has very fairly stated the eagerness of Captain Williams to court inquiry, since the rejection of his petition. The honourable gentleman has represented the Nabob of Oude, not as he really appeared to the officers employed in his service, an independent Sovereign, but as something like Mobarek ul Dowlah, who is notoriously

toriously without any power, and a penfioner to the East-India Company. To prove this, he has qnoted letters written a complete year after Captain Williams's return to Bengal, from the Nabob's service. Was this Sir, the true ftate of the Nabob of Oude? Only mark in what a light he appeared during the time the honourable gentleman was in Bengal. In the year 1775, when his whole dominions were in a more diftracted ftate than they have been at any fubfequent period, the Nabob applied to the Governor-General and Council, for a number of Britifh officers to command his troops.—Has the honourable gentleman forgot that he was one of the majority at that time? Has the honourable gentleman forgot that the Board unanimoufly complied with his requeft? Has he forgot the orders under which thofe officers acted? They were directed to obey the Nabob's order. They were ftruck off the ftrength of the Bengal army, though kept upon the general lift; and it is expreffly ftated, that this was done not to interfere with the Nabob's authority, but that the officers might be more under his command. Has he forgot that one officer was removed for the difobedience of the orders of the Nabob, a very few months after the eftablifhment was formed. In the next year, 1776, the Nabob applied to the Board for Colonel Goddard to command the troops in his fervice; with this requeft the Board unanimoufly complied—The honourable gentleman being ftill in the majority. In the next year, 1777, he made two applications for Colonel Hannay; ftating, as is well known to be the fact, that the Colonel had been very intimate with his father, Sujah Dowlah. In the laft letter he expreffly fays, that he means to appoint Colonel Hannay to command three battalions in his fervice, and defires fome other officers to be appointed under him. With this requeft the Board unanimoufly complied; the honourable gentleman being a Member, though not then in the majority.

Thefe corps were eftablifhed early in 1778; and in 1781 the command of one of the battalions became vacant by the promotion of Captain Lumfdaine to the rank of Major. The Governor-General and Council recommended Captain Williams, who was in Calcutta at the time, and the Nabob appointed him to fucceed Captain Lumfdaine in that command. His immediate commanding officer was Lieutenant-Colonel Hannay, from whom he received his inftructions. His battalion was ftationed on the wild and extenfive diftrict of Gorrucpore, which Mr. Briftow faid, long before Colonel Hannay entered it, "could hardly be faid to be under the "Vizier's government, as it was held by Zemindars, who "paid little obedience to his authority, and difcharged their "revenues with great irregularity." And in the tenth re-

port of the Select Committee, this is admitted to be a true and faithful account of the state of the country. He took the command in the month of March, 1781; his head quarters were Gorndiah, at a considerable distance from the fort of Gorrucpore; but in his instructions from Colonel Hannay he was informed, that there was a man in Gorrucpore closely confined, and under sentence of death. He was expressly enjoined to order a strong guard over him, because he had, in the year 1774 escaped from Fyzabad. Major Lumsdaine, a gentleman now in Great Britain, was in the command prior to Captain Williams.—The prisoner, Captain Williams never saw in his life; and though he has not the least doubt but that the orders for his execution, which he issued as coming from the Nabob, though Colonel Hannay, were executed, he knows nothing farther about it, nor of the man, but from information that he received while in that country. There are, however, officers in England who do know who and what he was. He has been described to me as a notorious robber, a murderer, and an animal who lived by plunder and rapine; as it is perfectly well known many do, who frequent the wild and uncultivated frontiers of the Vizier's dominions—not now only, but at all times—and as they did in Bengal, until they were rendered useful and industrious subjects under the British Government. The honourable gentleman assumes it as fact, that Mustapha Cawn was a man of consequence—because Colonel Hannay states, that he could raise 7 or 10,000 horse and foot. Yet the honourable gentleman must know, that when Bengal was subject to the annual incursions and depredations of the Sincassies, a man without a jamma to his back could collect as many in a very few days. [Here Mr. Francis dissented.] Does he not know the fact?—then I am sorry for his ignorance. These enormities were stopped, it is true, before his arrival; but if he has at all attended to the history of the country, he need not be told, that under the native administration, and in the first years of our own, such depredations were almost annual. Every gentleman knows the nature of the inhabitants of the hills in Bengal, prior to their civilization in Mr. Hastings's government. In their own testimonial they say, that heretofore they lived like the beasts of the field; and such a people are those who, at this moment, inhabit the Eastern Frontier of Gorrucpore, from whence Mustapha Cawn issued to commit his depredations.

Captain Williams was upon leave of absence at Lucknow, in August, 1781, when the insurrection at Benares happened; upon that occasion, the Nabob, who is supposed to be such a cypher, ordered Colonel Hannay to march, with his whole

whole force to Benares: Colonel Hannay, conformable to the orders he had received, directed Captain Williams immediately to assemble his scattered detachments, and to march with his battalion and guns, with all possible expedition, to Abkerpore, where the Colonel was to join him. He got, with infinite difficulty, to his head quarters; his detachments were separately attacked; the grenadiers under his own immediate command mutinied, and threatened to desert to the Begum; and he was compelled to proceed to Gorrucpore, where it was not his original intention to go, and where he arrived on the 21st of September. On his route, and after his arrival, he received the several letters, which gentlemen now hold in their hands. Do they not convey, in the strongest terms, the critical and dangerous state of the whole country, universally in rebellion; not, Sir, from Colonel Hannay's oppressions, but from their desire to resist the government of the Nabob Vizier, and actuated by the spirit that had actuated them long before the English came into the country? An honourable general has said, that Captain Williams ought not to have obeyed the orders he received; I will venture to state the case truly as it is, and I am not afraid to meet the honourable general, or any man, upon it, if he will fairly take it up on that ground. Captain Williams, a British officer in the army of the East-India Company, is appointed by the Nabob Vizier, an independent Sovereign, (for whatever gentlemen in this House may call him, he must have appeared so to Captain Williams) to command a battalion in his service. He is placed under the immediate command of Lieutenant-Colonel Hannay. In a fortress in the district in which he is stationed, a man was confined before he came to the command, who is declared to be under sentence of death, for this is the descripiton given of him in March, when Captain Williams took the command. Every account that he receives, for he never served in the country before, induces him to give credit to it. He is ordered to join his commander in chief with all possible expedition. He first receives a discretional order as to Mustapha Cawn; but after that, he receives three positive orders to put him to death; his commander stating that such were the Nabob's orders to him. He is told, at the same time, that if Mustapha Cawn should get away, a whole province might be lost. He had positive proofs that eight hundred banditti were on their march to Gorrucpore, in consequence of letters written to them by Mustapha Cawn. He was pressed by his commander to make all possible expedition to join him, as the only step that could save them both from destruction. He had a march of one hundred and fifty miles, through a country intersected by rivers, and covered
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by forests, and such a country hostile and in arms. Now, I would put it to the honourable General whether, under all these circumstances, he would or would not have obeyed the orders of the commander in chief, who stated to him, that they were the orders of the Prince in whose service both were? —Is it possible to suppose any motive but a sense of duty actuated Captain Williams? I am authorised to say, that he never had the slightest concern, directly or indirectly, in the collection of revenues; that he was not on terms of friendship with Colonel Hannay; that the whole of his short command, not more than ten months, was spent in altercations relative to the arrears of his Sepoys, their want of cloathing, or the misconduct of the Council of Gorrucpore; and this was carried to such a degree that Colonel Hannay declared the command was become so irksome to him that he would resign it. What possible motive could Captain Williams have?—Where is the *malus animus* which constitutes the murder?

The honourable gentleman has attempted to impose a belief upon the House, that the Rana of Baunsi's son was hostile, because the head of the Raja, his brother, was struck off at Gorrucpore; but the fact is, that the Raja of Baunsi was a Hindoo, whose brother had been killed in a brothel; but Mustapha Cawn was a Mahometan, totally unconnected with Gorrucpore, but who had resided in the adjoining province of Baraitch. Before I conclude, Sir, I must take notice of what the honourable gentleman has said on the subject of imprudent friends doing often more mischief than avowed enemies. If the honourable gentleman had not so pointedly declared, that he meant no personal allusion, I should have conceived he meant to allude to me. But I will tell the House what I did: The moment I saw the Gazetteer, I acted by my friend, as I hope, and humbly believe, he would have acted by me in similar circumstances, and I had the pleasure to receive Captain Williams's thanks for taking it up, as far as I could, in his absence; he posted to town, and the very day he arrived I gave notice to the House, by his express and earnest desire, that I meant to present the petition. The honourable gentleman has very fairly stated, that the eagerness of Captain Williams to come forward, is not in any degree diminished. One other circumstance, Sir, I must mention:—The honourable gentleman hinted as if this was part of a systematic plan to delay the prosecution. It cannot possibly have such an effect; and I declare, upon my honour, that I acted in concert with no man; and as to Mr. Hastings, he knew not, either directly or indirectly, that I had written one syllable about Captain Williams. Captain Williams's feelings and anxiety, that the

the strictest investigation may take place, have been uniform.

General Burgoyne General *Burgoyne* begged leave to assure the honourable gentleman (Major Scott) who had stated, what he called the real points of the facts, and appealed to him, whether, in such a situation, and under such circumstances, he would not have put Mustapha Cawn to death, that he had not the smallest difficulty in most positively declaring, that under such circumstances he should not have considered himself as justified in any such proceeding.

Maj. Scott Major *Scott*, rising a second time, said: Sir, The honourable General has unequivocally declared, that had he been in the situation of Captain Williams, he would not have obeyed the orders that Colonel Hannay transmitted to him. The honourable general was not in his place when I stated the case, I beg leave, therefore, to put it again, I should be very glad to have the honourable General's answer.—Suppose an officer to be at the head of a small mutinous detachment; suppose him to receive positive orders from his commanding officer to join him without delay—that, to effect a junction, he had a country one hundred and fifty miles to march through, intersected by rivers, and covered with forests; suppose the whole country to be in rebellion, hostile, and in arms; suppose there was a man confined in his garrison, whom he received under sentence of death several months before; suppose his commanding officer had informed him, that if that man escaped the whole province would be lost; suppose when he sent a positive order for his execution, the officer received undoubted intelligence that eight hundred men were in full march to attempt his rescue—I ask the honourable general, whether under these circumstances, he would or would not have obeyed the orders of his commanding officer?

Mr. Pitt. Mr. Chancellor *Pitt* declared, that although he agreed with his honourable and learned friend that the question was of infinite importance, and well entitled to mature consideration, as every question must necessarily be that concerned the institution of a criminal prosecution in that House, yet, in his opinion, there were certain grounds made out by the honourable gentleman who had brought forward the motion, that rather inclined him to profess himself willing to assent to a Committee of Enquiry; not meaning, however, to pledge himself to proceed a step farther unless very strong reasons indeed could be urged to prove the propriety and necessity of the measure that might be suggested, when the report should be brought down from the Committee. There were certain positions in the speech of the honourable gentleman who had made the motion, to which he could by no means bring himself

self to subscribe. In the first place, he never would agree, that the application of a party concerned was a sufficient reason for the House to exercise its inquisitorial power on any subject whatsoever. The merits of the case submitted to them could alone form the ground on which the House ought to decide, and in the present case the House had already decided, that they would not enter upon the consideration at the instance of Captain Williams, by having rejected his petition. The honourable gentleman, he owned, had, in his mind, removed much of the objection that had weighed with him, and induced him to refuse his concurrence for one, that the petition should be received. The honourable gentleman had stated, that he was in possession of proof of the fact alledged, which made a material difference from a vague unsupported allegation stated in a petition. The case, as it now came forward, appeared to call for some proceeding, and possibly the institution of a Committee of enquiry was as proper a proceeding as could be adopted for the purpose merely of ascertaining the nature of the case; and, that done, it would remain to be decided what ought farther to be done. He conceived that every gentleman would agree with him, that in a criminal proceeding too much caution could not be used; and where a crime, however capital, was within the reach of the ordinary course of law, there not only could be no occasion for that House to interpose, but it would, in fact, prove a misapplication of its functions.

Mr. *Fox* observed, that so perfectly did his sentiments coincide with those of the right honourable gentleman, that he should not have risen had he not felt it necessary to take notice of the manner in which an honourable gentleman (Major Scott) had talked of the charges, and mentioned Mustapha Cawn, whom he (the Major) had termed an animal. The natives of India were at least human creatures, however the honourable gentleman, and others of the Company's servants, thought proper not only to consider them, but to treat them as mere animals. He hoped, however, in that House at least, that they would ever be considered of the same species with gentlemen themselves, and that their wrongs and injuries would be regarded as fully entitled to the attention of that House, as the wrongs of any other description of human beings. He knew not whether the honourable gentleman was the author of the paragraph in the Morning Herald or not, but he saw no extraordinary merit in it; and as to his declaration that the House had sent up charges to the House of Lords, which it had never voted, he believed that the Managers of the prosecution instituted by that honourable House against Mr. Hastings, were the first men who had ever been appointed by that House to car- Mr. Fox.

ry as fo important a proceeding, and were afterwards fuffered to be libelled in the public newfpapers, and in that Houfe as often as an opportunity offered, by one of their own Members, with impunity. Whether a perfon capable of making it a conftant practice to arraign the conduct of the Houfe on fo important an occafion, to mifreprefent their motives, and to traduce the Managers of the profecution, ought to be fuffered to continue a Member of that Houfe, was for the Houfe itfelf to determine, and not for him. How far the declaration of the honourable and learned gentleman, that it was the province of the Houfe, in criminal proceedings, to confine themfelves to the two extremes of crimes, mifdemeanors, and cafes of high treafon, was founded on fact, he fhould not prefume to determine; yet he could not avoid thinking that there might be cafes in which, where, when either the law was defective, or there had been a neglect of duty in the Law Officers of the Crown, it would be right for the Houfe to go farther, and to interpofe its authority, or at leaft to exercife its inquifitorial capacity, and by an inveftigation of facts to point out to the executive department, what fteps ought to be purfued by them, to remedy the defect, and cure the evil.

Colonel Fullarton.

Colonel *Fullarton* rofe next, and having thanked the honourable General (Burgoyne) for the very flattering terms in which he had been alluded to by him, faid that it was far from his intention to enter into any general difcuffion of the merits or demerits of the tranfaction imputed to Captain Williams, in the 13th article of the charges exhibited againft Mr. Haftings. "Thofe imputations, and the comments made upon them in fome of the public papers, were undoubtedly of fufficient force to occafion the ftrongeft impreffions of difguft in the mind of any man who had a character to lofe. To the honour of England be it faid, there ever had been, even in the moft barbarous periods of our hiftory, a national abhorrence againft every act of bloodfhed; and no one could be furprized at the eagernefs exhibited by Captain Williams to obtain an opportunity of clearing himfelf from fuch horrid imputations. Colonel Fullarton declared, that in a queftion fo immediately affecting the character and eftimation of an officer of long fervice, he fhould be extremely unwilling to offer any obfervations that might feem at all to be of a perfonal nature, or that might have any tendency to wound the feelings of a man, who, if he had any feeling, muft be already fufficiently diftreffed by the imputations under which he laboured. He fhould, therefore, leave the act of which Captain Williams ftood accufed, to be condemned or juftified on general or particular grounds, by gentlemen more inti-

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mately acquainted with the motives and [illegible] of this case than he was. His object was, to call the attention of the House to a point stated in Captain Williams' memorial, and meant for his defence, very materially affecting the honour, the respectability, and regulation of the British army. On the part of Captain Williams, it had been confessed that Mustapha Cawn, who was supposed to have been taken in action, being a prisoner in the fort of Gorrucpore, was put to death by him, Captain Williams, in obedience (as it was said) to repeated orders from his commanding officer, Colonel Hannay. It had been added, that it was not only his own opinion, but that of every military man with whom he and his friends conversed, "That if he had delayed the execution of Colonel Hannay's orders, he would have rendered "himself responsible for all the consequences that might have "resulted from such delay—that he would undoubtedly "have merited, and possibly might have suffered death for "such disobedience." In regard to the point of prompt and unreserved obedience to military order, "I am ready to admit (said Colonel Fullarton) that it is the true principle, and best quality of a soldier. That military obedience should know neither hesitation, difficulty, nor delay. But, let it be remembered, that this applies to the obedience due to lawful orders only. The articles of war, and the Mutiny Act, which authorizes the information of those articles, expressly confine the duty of obedience to the lawful orders only, of a superior officer. It is unfortunately true, that the military laws of this country are in many respects extremely deficient. Sir Matthew Hale declares they hardly deserve the name of laws; and Judge Blackstone laments their imperfections. But, imperfect as they may be, still on this point at least, they are sufficiently explicit. We may bid adieu to the character and honour of the English service, if such a doctrine be admitted, that British officers and soldiers are bound to obey any unjust illegal order, that a wicked or tyrannical commander may chuse to issue. We may bid adieu to the safety of this empire, and particularly to the safety and well being of our distant possessions, if military men be permitted to act on this principle. No order from a commanding officer, to commit robbery or murder, can possibly justify the commission of such acts! Thank Heaven the base doctrine of passive and implicit obedience to the will of despotism, even in a soldier, never has been established in this country, and is now justly reprobated, and will speedily be exploded even in the arbitary monarchies upon the Continent. Even in governments hitherto despotic, soldiers now begin to feel that they were citizens before they were soldiers, and that they are not to be considered as mere passive

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and implicit instruments of tyranny and oppression, but that the object of their institution is, national utility and national defence. Thanks to the free and philosophic spirit of the times in which we live, it is neither visionary nor unreasonable to expect, that this kingdom, and other states, improving on the examples already exhibited by America, by Ireland, by France, and by the Belgic Provinces, may adopt the salutary system of rendering every subject a soldier for the purpose of national defence, and may entirely supersede the necessity of mercenary standing armies, who, from the period of their institution in the days of Charles VII. of France, have seldom been employed for any other purposes than those of internal oppression, and external offence. But without alluding any farther to the alterations which may possibly take place in the military system in this part of Europe, and confining myself strictly and literally to that which now exists in our military code, respecting obedience, I must beg leave, said Colonel Fullarton, to enter my protest against any such doctrine as appears to be conveyed on the part of Captain Williams; namely, an idea that unqualified obedience is due to any the most cruel and apparently illegal order. Such doctrines may be admitted at the Durbar of Delhi or of Oude. Such doctrines might have been approved in the Presence Chamber of Richard III., when, " off with his head," was a sufficient order for executing the first subject of this realm. But, in these better times, in the year 1790, the words, " put Mustapha Cawn to death ;" " It is the Colonel's order that you put Mustapha Cawn to death ;" nay if he had added " It is the King's order that you put Mustapha Cawn to death," those words I presume will be found no justification for an act of bloodshed. Such an order cannot supersede the duty of remonstrance against the cruelty and illegality of the act. Such an order cannot do away the operation of that superior and generally admitted law of nature and of nations, which forbids all civilized states from putting to death their prisoners of war. Let those gentlemen therefore who undertake the justification of Captain Williams rest his defence on more fair and tenable grounds than that of implicit obedience to unwarrantable orders. That they may be able to do so, I most sincerely wish, out of regard to the military name and character of this country, materially involved in this transaction. He next solicited the forgiveness of the House for having intruded on them with these observations, excited chiefly by his apprehension of the very fatal consequences that might befal the unfortunate natives of Hindostan, if a commander could ensure obedience to any barbarous and bloody order that avarice or rapine might suggest.* Let the House recollect, that in the

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course of Indian service, military commanders are frequently invested with the mingled powers and joint authorities of superintendants of districts—negociators with allied and tributary Princes, and collectors of revenues. Now, if any order or perwannah, from any of those allied or tributary Princes, no matter how unjustly issued, or how irregularly addressed, be sufficient authority for a British officer in command to issue orders of death against any Indian native, and if every military person under him be obliged to execute such bloody mandate, I should be at a loss whether most to deplore the degraded condition of the British officers and army in that quarter of the world, or to lament the outrageous violations and calamities to which whole provinces might be subjected by the cruel and rapacious disposition of any individual who might be entrusted with such unqualified and unwarrantable powers.

The *Solicitor General* declared that he felt it his duty most earnestly to intreat the House to proceed with great caution and tenderness in what they were then engaged, since the event might materially affect the constitutional security of the subject. He bade the House recollect that it was the province of the Courts below to entertain prosecutions for criminal offences of every description whatsoever, misdemeanors and treason excepted, and to try the persons charged with such offences. That under the usage of those Courts, every man indicted for murder had his remedy, should it appear, upon his trial, that he had been unnecessarily indicted, should the prosecution turn out to have been malicious, or should there be sufficient ground to warrant supposition that a private purpose had been the prosecutor's motive and not a regard to public justice. The man so injured might bring his action for calumny, and a candid and considerate jury would doubtless award him liberal damages, should it come out that his prosecution and indictment had originated in either of the undue and improper motives which he had just stated. Would that be the case with Captain Williams, who, in a manner which did his feelings more honour, than it did his prudence or discretion credit, had confessed that he put Mustapha Cawn to death, if the House should institute a proceeding, which might possibly end in putting Captain Williams upon his trial for murder? They would thus send him to that trial with all the weight and authority of that House upon his back, which was enough to crush Captain Williams, or any such humble and insignificant individual as himself, to the earth. Supposing that Captain Williams, if sent to his trial under such circumstances, should have the good fortune to be acquitted, against whom would he have his remedy for the very serious injury he had sustained?

Solicitor General.

ed? He could not prosecute that House; he could have no remedy whatever. The Solicitor General begged the House not to consider him as the advocate of Captain Williams, from what he had said, but as the advocate of the constitutional security of the subject; a consideration infinitely more important than any thing personal to Captain Williams, or to any individual whatever. The honourable gentleman who made the motion, had affirmed that he was in possession of proofs of the fact, and was sure he could convict Captain Williams of murder. If he was confident of what he had asserted, why would not he, in a manly way, stand forward, and encounter the risque of engaging in a prosecution, for which he must be personally responsible. Why should he have endeavoured to shelter himself under the authority of that House? Let him reflect on the danger of the precedent he had called upon the House to establish; let him consider for a moment the hardship done to Captain Williams; let him look at the case in all its serious consequences, and then let him ask himself whether he would choose to incur the imputation of acting so unjustly towards Captain Williams; so imprudently with respect to the House? He did not think the honourable gentleman had the most distant intention of acting unfairly by Captain Williams, or inexpediently by that House. The honourable gentleman had declared, that he was actuated solely by principles of public justice, and therefore he believed him; but he most earnestly cautioned him of the danger of the doctrines he had laid down, and of the mischievous consequences that might arise from leading the House into a precedent, which they themselves might for ages lament. He declared, he meant not to be understood, that in no criminal cases whatsoever, except in cases of misdemeanor and treason, that House ought to interpose. There might arise such cases, but they must be extraordinary cases indeed; and the impossibility of proceeding in the common mode by the Courts below ought to be made evident, before the House adopted any proposition to take a criminal prosecution on themselves. Feeling these circumstances most thoroughly, and feeling at the same time the deep importance of the motion, in respect to the degree in which it might affect the constitutional security of the subject, that first principle of the criminal jurisprudence of the country, he had great doubts with regard to the propriety of going into a Committee at all, and therefore, although he begged pardon of his right honourable friend (Mr. Pitt) for differing from him in opinion, feeling it his duty to support his principles upon a point of that magnitude, he should hold himself bound to give his negative to the motion.

Mr. Secretary *Grenville* obferved, that notwithftanding his general approbation of almoft every principle laid down by his honourable and learned friend, he fhould vote for going into the Committee. It was, therefore, abfolutely neceffary for him to ftate the grounds on which he concurred with his right honourable and learned friend in his principles, and could, neverthelefs, confent to vote for going into a Committee of Inquiry. He meant not, by confenting to go into the Committee, to pledge himfelf, in any manner whatfoever, to vote for any one fpecific propofition which might be moved as the refult of that inquiry, when they fhould have the report of the Committee before them. The cafe was cleared of much of its obfcurity by the lights which the honourable gentleman had that day thrown upon it, and he thought that it became the Houfe to inveftigate the facts on which it refted, not with any view to undertake any criminal profecution themfelves refpecting it, but fo to difpofe of the fubject, as the nature of the facts to be enquired into fhould fuggeft to be moft proper and moft expedient. With regard to what his honourable and learned friend had faid of the danger of that Houfe unneceffarily interfering in cafes of criminal profecution, it would be highly unbecoming that Houfe to introduce a new principle into the conftitution, or to adopt any meafure which was in the moft diftant degree likely to affect the criminal jurifprudence of the country. He, therefore, muft differ from the right honourable gentleman in regard to the principle which he had laid down, that that Houfe ought to interfere, under certain circumftances, in certain cafes between the two extremes of mifdemeanors and treafon. The proper province of that Houfe, in all matters of criminal proceeding, was to leave civil crimes to the cognizance of the Courts of law, and to confine themfelves to crimes of a political and conftitutional nature. Hence he conceived that the Houfe had, for a long feries of years, kept to cafes of mifdemeanor and treafon, as the fole objects of their attention in refpect to criminal proceedings, and they had done this obvioufly with a view to the diftinction which he had juft ftated, of avoiding any interference with civil crimes. Mr. Grenville.

Mr. *Fox* begged leave to remind the right honourable gentleman who fpoke laft, that, for his own part, he had not laid it down as a principle that the Houfe ought to take up criminal proceedings themfelves in any cafes other than thofe of mifdemeanors and treafon, but merely where there was apparently a defect of duty arifing from negligence in the Crown Lawyers, which he was far from ftating to have been the cafe in the prefent inftance, to exercife their inquifitorial functions, and inftitute an inquiry. Mr. Fox.

Mr. Grenville. Mr. *Grenville* admitted that the House did its proper duty in watching the conduct of the Crown Lawyers, and enquiring into their neglect and its causes, whenever neglect should appear to have arisen.

Master of the Rolls. The *Master of the Rolls* observed, that the subject under discussion, together with the motion made by the honourable gentleman, was of such infinite importance, that he should feel it a matter of great difficulty how to act respecting either; they undoubtedly required very mature consideration, indeed, before the House came to a decision respecting them; and therefore, if he were compelled to give his vote on the motion that evening, he must give his negative to the institution of a Committee, because, as the papers on which the motion was grounded, had only that day been laid upon the table, and he had not read one of them, he could not venture, unprepared as he was, to offer his sanction to a measure which might involve the House in much future embarrassment, and tend to subvert the essential principles of justice. With regard to a prosecution for murder, supposing, for the sake of argument, that the putting Mustapha Cawn to death was a murder, he had much doubt whether the single act of Parliament, under which it was possible to try a British subject for a murder committed beyond the seas, and without the realm, would extend to the case in question. The act he alluded to was, he said, the 33d of Henry the Eighth, which was passed for the better prosecution of murders, both within and without His Majesty's dominions. How far the putting to death a person, not within the King's peace, in a country over which the British Crown and laws had no jurisdiction, could be rendered amenable to the statute of Henry the Eighth, he was not prepared to say; but he had very great doubts whether the person so committing a murder, could be tried for it at all agreeably to the laws of England. His honourable and learned friend, however, who had lately spoken, and whom he agreed with as to every legal principle that he had laid down, was a little mistaken in supposing that any individual could become a prosecutor, on his own motion, in a case of murder committed without the realm, and that such individual had nothing to do but to go to a grand jury with a bill of indictment. The fact was, that the statute to which he had alluded, specially enacted, that before a prosecution for a murder committed on any of His Majesty's subjects abroad could be commenced, the individual must state his facts to three of the Lords of the Privy Council, who, if the facts appeared to warrant such a proceeding, were directed by this act to authorize the individual to proceed with a bill of indictment before a grand jury. The Master of the Rolls reasoned upon what he described as the

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ſtrong neceſſity of proceeding in a caſe like the preſent with great caution. He reminded them, that it would be impoſſible for them to examine evidence on both ſides, without coming at Captain Williams's defence; and he called upon their humanity to recollect under what diſadvantages they would ſend Captain Williams to this trial (ſhould that be the reſult of their going into a Committee) with his defence diſcloſed? It was ſo oppoſite to every principle of juſtice, that he was ſure the Houſe need only be reminded of the extent of the conſequences that they might themſelves be implicated in, if ſuch a Committee as the queſtion propoſed ſhould prematurely be appointed, to make them readily concur with him in a motion to adjourn the debate for a few days. Long as the debate had already laſted, ſtill the adjournment which he had ſuggeſted would prove a deſirable circumſtance. It would give gentlemen, who had already delivered their opinions, time to re-conſider thoſe opinions, and if, upon mature conſideration, they ſhould find them to be raſh and erroneous, an opportunity to retract them; and it would afford other gentlemen, who, like himſelf, had not ſufficiently conſidered the ſubject, time to enable them to decide what might be the proper ſteps to take in a matter of ſuch great and ſerious importance, time to peruſe the papers on the table, to make themſelves maſters of the whole tranſaction, and to come forward with opinions matured by deliberation, and ſuch as they could truſt themſelves to rely upon. Under theſe conſiderations, the Maſter of the Rolls concluded with the following motion of amendment, "That "the ſaid debate be adjourned to this day ſe'nnight.

Mr. Chancellor *Pitt* obſerved, that he could ſincerely aſſure this Houſe, that when he roſe to ſecond the amendment juſt moved by his honourable and learned friend, the principles which he had ſtated in his former ſpeech were not at all weakened by what had either fallen from his honourable and learned friend near him, (the Solicitor General) nor by what had been ſaid by his honourable and learned friend who ſpoke laſt; but the ſubject then before the Houſe was, like all others that related to criminal proſecutions propoſed to be inſtituted by that Houſe, a matter of infinite importance, and ought not to be voted without ample deliberation, and every poſſible endeavour to avoid the appearance even of raſhneſs or precipitation; at the ſame time he was free to acknowledge, that the reaſons which had been alledged, and the principles which had been ſtated, as fit grounds to induce the Houſe to appoint a Committee, were not very likely, in his opinion, to be weakened by the delay propoſed; on the contrary, he rather thought that, upon mature conſideration, thoſe reaſons and principles would derive additional Mr. Pitt

force in the minds of those gentlemen who had stated them, and that they would have the satisfaction of finding their judgement confirmed by examination and reflection. With regard to what had fallen from his honourable and learned friend, who had spoken last, if his doubts should be realized, and it should turn out that the only act that could be supposed to apply to a murder committed under the circumstances of the case in question, taking it for granted that the crime, and all the particulars attending it, were as they had been stated to be by the honourable gentleman who made the motion, could not be brought to bear upon it; and that there was no remedy within the reach of the ordinary course of law which could apply to so heinous a crime, though it did not necessarily follow that Parliament must take upon themselves to institute a prosecution for murder, it certainly might be considered as a strong reason for that House to enquire into the facts, from a knowledge of which alone, the House could enable itself to judge how far so material a defect in the criminal law of the kingdom might require a legislative cure with regard to the time to come. He therefore had, in his former speech, consented to the motion, not, as his right honourable friend near him (Mr. Grenville) had well said, as giving a pledge that he would consent to any subsequent proceeding which might be proposed, but merely in order to get at the facts, to understand the merits of the case, and to ascertain whether, after the facts came before the House, the House would be justified in instituting any subsequent proceeding. Having thus explained the ground of his supporting the proposed adjournment, he trusted that the honourable gentlemen on the other side, and even the honourable mover of the original question himself, would have no objection to consent to the amendment.

Mr. Burke Mr. *Burke* having premised that it might seem ungracious to offer any objection to a question of delay, grounded as the present amendment had been, added that, in fact, he had been ready to agree to his honourable friend's original question, because he considered that as a question of delay; for, what was it but delaying any proposition of a direct and decisive nature, by moving that the House should first appoint a Committee of Inquiry, which was certainly the most deliberate and cautious mode of proceeding that could be suggested, in a case of so singular and so important a nature. The honourable and learned gentleman had said that he had not yet read the paper on the table. This was the first time that he had recollected it to have been assigned by any Member of that House, as a reason for giving his negative to a motion, that he had not read the papers on which it was grounded, and which the House had upon their table. He

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had, for his part, read the papers. He understood the case, and therefore he was ready to give his vote for the motion for the very opposite reason to that which induced the honourable and learned Member to propose a farther delay. A right honourable and learned gentleman had said, that any individual could move a prosecution of himself, in a case of murder abroad, to which a prosecution was clearly applicable; and the other right honourable gentleman had contended that no individual could move it, but that he must go to three of the Lords of the Privy Council, and they must authorize it; so that between the one and the other, they had completely cut up the utility of the offices of Attorney and Solicitor General, and rendered them mere sinecures. Why could not an Attorney General institute a process of himself? He might do it, without being liable to an action for defamation in case he failed, because it was known that the King paid no costs. But the legal gentlemen had looked at the question solely with a view to a prosecution for murder, and had argued that the House of Commons could only prosecute for the extremes of crimes, treason and misdemeanors. The assertion was certainly but generally stated; he knew not how true it was, and whether that House was not bound in duty to prosecute, under such circumstances, for other crimes between those two extremes. That it ought not every day to be engaged in criminal prosecutions for every different species of crime, for robbery, burglary, and murder, he well knew; because in that case the criminal jurisprudence of the country would be subverted, and the functions of that House destroyed. The motion, however, was a motion of greater latitude and extent, than a mere question of criminal prosecution. It referred to a new case: a person came to that House, and voluntarily confessed himself guilty of homicide, and he justified the fact. He says, "Mustapha Cawn's head "was cut off, and I am the man that did it. But then he adds, "I am ready to justify it on the ground of obedience of "orders from my superior officer," this gave rise to a new consideration, and that by no means unimportant, how far the military law warranted an obedience to orders in certain cases. They had already heard the opinion of two men of high military character (General Burgoyne and Colonel Fullarton) on the subject. Blackstone said, the military law wanted a revision. Perhaps the case, the subject of debate, might produce that revision, and thus prove the cause of an alteration and amendment in the military law, highly conducive to the honour of the national character, the happiness of the subject, and the good of the service. Such effects might, in fact, arise from a careful revision, and consequent amendment of the military law, as would render the army

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less unpopular, and less an object of national jealousy. Mr. Burke next adverting to Major Scott's expression, that Mustapha Cawn was an animal, observed that, for his own part, he wondered not at some of those who had been in certain situations in India, treating the natives with so much barbarity. Having once brought themselves to consider them as animals, it was not any matter of surprise that they should treat them worse than other animals, because by treating other animals cruelly, they could have no hopes of acquiring any advantage whatsoever. From an ox or a horse, nothing was to be obtained by ill treatment; when once, therefore, men had brought themselves to consider any of their own species as animals, it was natural for them to treat them worse than they would treat an ox or a horse. Those beasts naturally excited no strong sensations, but men considered as animals, gratified some passion, or answered some end. Mustapha Cawn, however, was not of the low rank which the honourable gentleman (Major Scott) had described. He was clearly a man of considerable power, and of some distinguished rank. His being a Mahometan did not prove the contrary. In all the writings concerning him, he was termed a Rajah; and many Rajahs had turned Mahometans, when Mahometan Princes had possession of the country, and yet retained their rank. Besides, the very name of Cawn spoke him to be a person of consideration. Cawn was never the name of people of the lower order; it signified Lord, as Rajah signified Prince, or ruler. The Managers of the prosecution which that House had entrusted them with the conduct of, had frequently been abused without doors, and sometimes within; but it was a matter to be rejoiced at, a matter of triumph, that the very first complaint which had been brought forward, proved their care, and established their veracity. Finding it necessary to introduce the mention of a fact of a very atrocious nature in one of the articles of impeachment which they carried up to the Lords, and to mention the name of an individual in the narration of that fact, they had done it with so much caution as to fix no imputation positively on any man. In stating that Mustapha Cawn had been put to death, they had said the fact was committed by Captain David Williams, or some other English officer. Captain Williams had now come, of his own accord, acknowledged the fact, and avowed himself the perpetrator of it. This, Mr. Burke said, was so strong a confirmation of the truth of the charge, and the care of the Managers, that he must again and again rejoice in it.

Solicitor General. The *Solicitor General* observed, that the right honourable gentleman who spoke last had asserted that the principles which he had stated, and his argument that an individual

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who ſhould prefer an indictment for murder muſt be liable to anſwer for a malicious proſecution, in caſe it ſhould upon the trial, and by the verdict of the jury, be ſo pronounced; and that his right honourable and learned friend's argument, that under the 33d of Henry the Eighth, an individual could not prefer a bill of indictment for a murder without the realm, of himſelf, but muſt go to three Lords of the Privy Council with his facts, and obtain their authority to proceed, cut up the offices of Attorney and Solicitor-General and converted them into ſinecures. The very reverſe of this was the fact, and the right honourable gentleman's principles and his arguments, if carried into practice, would effectually convert the office of Attorney-Ceneral and Solicitor-General into ſinecures. For what had the right honourable gentleman laid down, but that there was no difference between an Attorney-General carrying on a proſecution at the inſtance of that Houſe, and at his own inſtance from a ſenſe of public duty? There was a ſtriking difference between the two caſes. If an Attorney-General came to that Houſe as a mere individual Member, and ſheltered himſelf under their authority, in originating a proſecution, he was abſolved from all reſponſibility, ſhould the event of the proſecution incur juſt cauſe of cenſure on its having been commenced. The blame would, in that caſe, lay with the Houſe and not with an Attorney-General, who had acted in ſo cautious and cowardly a manner. But, was the caſe the ſame with an Attorney-General doing his duty, and commencing a proſecution in his official character? By no means. If in the end, it ſhould appear that the proſecution was groundleſs, and that the ſubject had been unneceſſarily and oppreſſively harraſſed, the Attorney-General, like every other officer of the Crown, would be amenable to the juſtice of the country, through the medium of the exerciſe of the inquiſitorial functions and powers of that Houſe.

Mr. *Anſtruther* declared that he concurred with all the principles of law laid down by his honourable and learned friend who ſpoke laſt, but he doubted their applicability on the preſent occaſion. By going immediately into a Committee of Enquiry the Houſe would be able to know what the facts of the caſe really where, and to judge how far his honourable and learned friend's principles would apply. Mr. Anſtruther reaſoned on the peculiar nature of the facts ſtated by the honourable gentleman who had opened the original motion, and upon the extent of our laws, in caſes of murder and other crimes, which he ſtated to be a deſign to regulate the principle of revenge in the human breaſt, for a real or a ſuppoſed injury; and hence he drew an argument, that poſſibly in the preſent inſtance none of our laws would apply; and

Mr. Anſtruther.

and therefore the interpofition of that Houfe might be neceffary. In ordinary cafes, the next of kin felt revenge for the lofs of his relation, or one friend for the lofs of another, but in the inftance before them there could be no perfon fuppofed to act from fuch a motive. Muftapha Cawn had no relation in this country to be actuated by a principle of revenge for his murder; no friend to call for juftice on his murderer. Public principle, therefore, muft ftand in the room of private feeling, and a due regard to the national honour muft be the only ftimulus to purfue the proper path to juftice. For his own part, he had purpofely avoided going into the cafe itfelf, either the charge againft Captain Williams, or the juftification ftated by Captain Williams, that he cut the man's head off in compliance with the orders of his commanding officer. How far the one or the other was founded, muft reft altogether on the facts which upon the enquiry would neceffarily be obtained, and therefore he was ready to go into the Committee immediately; but if gentlemen differed from him in that opinion, and wifhed for a few days more time for confideration, he fhould fubmit to their inclinations.

Mr. Mitford. Mr. *Mitford* expreffed great doubt of the propriety of that Houfe interfering at all in the cafe, and contended, that if any gentleman imagined that the Houfe could try Captain Williams, or any other individual, for murder at their bar, they were moft grofly deceived, He ftated the danger and impropriety of the Houfe taking cognizance of any but political crimes, and, thence, urged the neceffity of proceeding with caution in a matter of fo delicate a nature as the prefent. He mentioned feveral of the rules of practice in the Courts of Juftice, in cafes of murder, to fhew how little gentlemen were aware of the difficulties attending profecutions for that crime, which arofe chiefly from the care taken, under the adminiftration of the laws of the land, that no fubject fhould be unneceffarily put upon his trial for an offence of fo heinous a nature, nor without the ftrongeft prefumption of his criminality. He declared that if the motion for a Committee had been preffed upon the Houfe that evening, he fhould have felt himfelf under the neceffity of giving it his negative; he was glad therefore that the debate was likely to be adjourned.

Maj. Scott Major *Scott* rofe a third time, and faid: Sir, as there is a new queftion before the Houfe I defire to fay a few words in reply to the obfervations that have been made; I take the facts ftated in Captain Williams's petition to be ftrictly true; and therefore the epithet that I applied to Muftapha Cawn is perfectly correct; He was a man who lived by murder, rapine, and plunder, upon whofe head a reward had been put for many years before he was taken. Thofe who knew

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any thing of the hiftory of India, muft know that, prior to Mr. Haftings's government, the inhabitants on the frontiers of Bengal were, as they now are on the confines of Barach. and Gorrucpore, almoft in a ftate of nature; that they lived by murdering and plundering the inoffenfive inhabitants of the plains. They thus defcribe themfelves, in the teftimonial which they tranfmitted laft year in favour of Mr. Haftings: "We therefore reprefent, that we formerly lived "on the hills, like the beafts of the forefts, and during the "government of Mr. Haftings, became like other men, and "the qualities and honours of men were inftilled into us. "Formerly our means of fubfiftence were no other than "thofe of plunder and rapine, and we exifted with the "greateft difficulty; but now, by the wife conduct of that "gentleman, we live at eafe, and, like others, are happy, "and fatisfied with the Company."

Mr. Francis. Mr. *Francis* faid, he fhould not oppofe the adjournment, fince fo many learned gentlemen wanted farther time to confider the fubject, though he yielded to it with reluctance. On two points only he begged leave to fay a few words of explanation. He denied that it was true, as afferted by the Solicitor General, that he had ever faid that he was able to *convict* Captain Williams in a Court of Juftice. He had faid that he himfelf was convinced, and he had ftated to the Houfe the reafons and grounds of his conviction, of which they were to judge. He acknowledged that the learned gentleman, in what he had addreffed directly to him, had expreffed himfelf in very civil terms, but by no means with that candid and favourable conftruction, which he thought were due to the fair and honeft part he had taken in a bufinefs of public importance, in which he had no greater perfonal concern than any other Member. That the learned gentleman had exerted his utmoft efforts, with very little credit to his learning, to engage him in a profecution, for the generous purpofe of expofing him to a fubfequent action for damages, on a prefumption, moft liberally taken for granted by the learned gentleman, who had not faid one word upon the merits of the queftion, that it would turn out a malicious profecution. The fecond point was, the great hardfhip that would be heaped upon Captain Williams, if the profecution fhould be taken up by the Houfe of Commons; this the learned gentleman had lamented with many pathetic airs of focial tendernefs and fellow-feeling. Now, Sir, fays Mr. Francis, I do not wonder that the learned gentleman fhould forget the principal fact in this tranfaction; for facts, I know, are not in the learned gentleman's department. He takes no notice of Captain Williams's being a party to the motion, and that the hardfhip, if there were any,

any, would only be the consequence of a thing done with his own hearty concurrence and desire. But I confess I do wonder that the learned gentleman should have so little of his own law in his memory, as not to remember, that one of the most trite and common maxims of law is, *Volenti non fit injuria*.

The question having been put on the proposed adjournment, the same was agreed to, and the amendment was carried.

The House adjourned.

Tuesday, 16th March.

Sir J. R. Miller. Sir *John Riggs Miller* said, he was ashamed and mortified to be so repeatedly obliged to torment the House and himself with fruitless motions, in order to obtain from Sir William Chambers a copy of that estimate of the probable expence of compleating the works then unfinished at Somerset-Place, which accompanied, being indeed upon the same sheet with, the plan presented by him to this House on the 27th of May, 1788. Sir John said, he held a copy of that estimate in his hand, which he had made from it himself, whilst it lay on the table of the House, suspecting such a precaution to be then (what he found it from experience to have been) highly necessary against the evasions and equivocations that have invariably marked Sir William Chambers' conduct and demeanors towards the House and towards the Public. The first order of the House in the present year to Sir William Chambers, was for that plan and estimate, which had been before Parliament in 1788. The plan he presented accordingly, which is now, said Sir John, in my hand, but with a knife or sciffars, he cut away the estimate which made a part of it, as appears from inspection. And he availed himself of an order made by the House, on a motion of an honourable Baronet, (Sir James Johnstone) whose object was the very same with mine; the prevention of public extravagance, and the detection of private peculation; but who had not consulted with me upon the probable effects of such a motion, or I believe I should have dissuaded him from it, to bring to your table an estimate of nearly three times the amount of that which he has withheld, such estimate being unsanctioned and unaccompanied, as I believe, by any Treasury approbation, or Royal authority, both which are indispensably necessary to warrant the execution of his projects. My second motion, in order to obtain that estimate, continued Sir John, was as closely worded as I could frame it, to defeat his expected evasions, to which he replies generally respecting the plan, but says not a word of the estimate, which was the sole object of my motion. Here Sir John read Sir William Cham-

bers' account respecting the state of Somerset-Place Buildings; upon the vagueness of which, having made some comments, he went on, and said, But, Sir, does he not treat this House as it deserves to be treated? Did they not defeat the motion with which I troubled you in 1788, for a Committee to enquire into all this waste and extravagance, by putting the previous question upon it? Since which time, while Sir William has been building at one end, his erections have been tumbling down at the other; so that *Eruere Edificere* would be an apt motto for him; nor is it easy to say which have prevailed most, what he has erected, or what has fallen into ruin. If he does not produce, without delay, the precise estimate I now move for, I shall be again under the necessity of troubling this House for a Committee, as heretofore; and I trust I shall be able to prove to them, that the buildings are erected upon the most improper and inadequate foundations; that they are in general inconvenient, unhealthy, dark, damp, and comfortless; that they are wastefully and very improperly constructed; and that those who are condemned to inhabit them, must augment the patronage of office, by the frequent vacancies that disease must occasion in these caverns; for, Sir, Somerset Place may be well likened to a painted sepulchre; fair, perhaps, and plausible without, but promoting contamination within: it is a place from whose bourn no resident will return; nor will it yield to us any adequate accommodation for the vast sums that have been expended upon it. Sir John then moved, "That Sir William Chambers do immediately lay before this House a copy of that "estimate of the public expence of completing the works at "that time unfinished at Somerset Place, which accompanied and made a part of the plan presented by him to this "House on the 27th day of May, 1788."

Sir James Johnstone seconded the motion.

Mr. Chancellor Pitt and Mr. Steele made a few observations, when the conversation was ended by Sir John Miller's consenting to withdraw his motion.

The House adjourned.

Wednesday, 17th March.

The House having resolved itself into a Committee on the Duke of Athol's petition, Mr. M'Dowall took the chair, when

General Murray moved, "That leave be given to bring in "a bill for appointing Commissioners to enquire into the extent and value of certain rights, revenues, and possessions "in the Isle of Man."

Sir *Joseph Mawbey* conceived it rather extraordinary that a motion of so important a nature should be submitted to the Sir Joseph Mawbey.

Committee, without a single word having been offered in its support. He was an old Member of that House, and recollected well the compensation given by Parliament to the late Duke for his rights and prerogatives in the Isle of Man. He had, at that time, and ever since, with many other Members, considered that the Duke had, for a very valuable compensation, surrendered the whole of his rights in the Isle of Man for ever. It, therefore, struck him with some surprize, as a wonderful circumstance, that, at the end of twenty-five or twenty-six years, for he believed the compensation was made in the year 1763 or 1764, a proposal, unaccompanied by explanations, should be brought forward to Parliament for a farther consideration of those rights, and an additional compensation.

Mr. Dundas. Mr. *Dundas* having admitted that a compensation had been made twenty-five years since, for certain rights possessed by the Duke of Athol over the Isle of Man, contended that at the time of the compensation, those rights did not undergo a thorough examination. The motion just offered to the Committee on the part of the present Duke, was not for granting an additional compensation, but merely for the reconsideration of the subject, the petition stating, that certain rights had been taken from the family which had not been intended by the act. All now desired was, that an inquiry should take place into such a statement, in order that the fact might become ascertained whether any rights were exercised which it was not the original intention of Government to have assumed. It was well known that those rights only were designed to have been taken which rendered the Isle of Man a nest of smugglers, who carried on a trade very injurious to England and Ireland; but he believed that it was equally admitted, that the compensation given to the late Duke was far, indeed, from having been adequate to what the Duke had been deprived of by the agreement, which was at the time more than generally acknowledged to have been enforced by the weight and power of Government upon the Duke of Athol.

Sir Joseph Mawbey. Sir *Joseph Mawbey* answered, that he was ready to confess that the necessity for destroying a nest of smugglers gave rise to the agreement made with the late Duke of Athol. The Duke, however, at the time of its being concluded, was at the age of discretion, and, as he had then understood, had entered into a compact with the country for the whole of his rights in the Isle of Man; the compensation, not only he, but many other Members of that House, had thought to be fully competent; and by the agreement, he had considered that the business was set perfectly at rest. He disliked the re-opening of treaties which had been made between the Pub-

lic and individuals for re-examination; because that from such re-considerations he never knew any advantage result to the Public. What he had said, arose in his mind on the first blush of the business, and he thought his duty, as a Member of Parliament, to state what had occurred to him to the House; but, possibly, he might perceive a reason to adopt another opinion, and vote for the bill, after a more ample and clear investigation of the subject.

Mr. Rose. Mr. *Rose* trusted that the honourable Baronet would now cease to oppose the present motion, upon the ground of his having imagined it possible that, on better understanding the object of the intended bill, he might find it equitable and necessary to change his sentiments. With regard to the bargain made with the late Duke of Athol, for his sovereignty over the Isle of Man in the year 1765, at that time the late Mr. Grenville was the Minister, and it having been, from experience, found incompatible with the interest of the Public, that the sovereignty of the island should remain any longer in the hands of an individual, the noble family in question had been divested of it; but as it had been, at the time, a great object to Government to get the sovereignty into their own hands as soon as possible, the matter was grasped at suddenly, and pursued with great eagerness. The bill was brought in, and pushed through both Houses with uncommon precipitancy; and indeed, so far was it from being a fact, that a fair bargain had been made, that he believed, upon examination, the reverse would appear to be nearer the truth, and it would be found that the bargain had been all on one side. With regard to the Public not being interested in the re-examination of it, he had great reason to imagine that much advantage would arise to the Public from the whole case being re-considered. So suddenly had the treaty with the noble family in question been brought to a conclusion, and confirmed by Parliament, by means of a bill hurried through both Houses, in an unusual manner, that very material points, equally interesting to the noble family and to the Public, were left ambiguous and unexplained; hence had followed a variety of inconveniences to both parties, which a re-consideration might enable Parliament to put upon a fair and unequivocal footing; and though he could not undertake to say beforehand what the event might be, yet when the subject should be brought fairly under discussion, the honourable Baronet and every other candid and liberal Member of that House would, he was persuaded, consider the re-investigation of the subject as an act of justice both to the noble family and to the Public.

Mr. Orde. Mr. *Orde* observed, that he well remembered, although he had not in the year 1765 the honour of a seat in Parliament,

ment, that then the bargain in question was first submitted to the consideration of the House, and also that it had been brought forward about ten years ago, when it underwent a full discussion, and had been decided against the Duke of Athol. He had not as yet been able to embrace an opportunity of comparing the present petition with that then presented to the House, and could not tell whether they were exactly similar. If they were, as the House had already decided upon the petition, they could not again regularly take it into their consideration.

Mr. Rose. Mr. *Rose* answered, that he could assure the honourable Member who spoke last, that the prayer of the petition, and the mode of proceeding now proposed, were essentially different from the prayer of the former petition, and the proceeding then instituted. At that time a bill was brought in, and read a first time, the object of which was to restore certain rights to the noble family, and grant them a farther compensation.

Lord F. Campbell. Lord *Frederick Campbell* said, that the bill confirming the bargain had been hurried on with the most unusual precipitancy; that he lived in great intimacy with Mr. Grenville, the Minister at the time; but that the bill was so injurious to the noble family, who were to be deprived of their rights and their property in the Isle of Man, that, though upon the most friendly footing with the Minister, he complained to him, both in public and in private, of its manifest injustice, and the indecent precipitation with which it was pushed forwards through its several stages. He had stated his objections, on these grounds, in his place, at that time, more than once, and though he could not recollect their names, he well remembered, that many other gentlemen, then in Parliament, did the same, and urged the very great hardship done to the noble Duke, who had been, as it were, notoriously compelled, contrary to his inclination, to accede to its passing; and in consequence of which his interests had been materially and detrimentally affected.

Mr. Curwen. Mr. *Curwen* having remarked that, in consequence of the bargain with the late Duke of Athol having been precipitately pushed through Parliament, a great variety of rights in the Isle of Man remained in an undecided state; added, that, in consequence also of the doubts started whether the rights belonged to the Crown, or the noble family alluded to, those rights were wholly unexercised, to the great inconvenience and annoyance of the inhabitants. So much did they feel this circumstance as a grievance, that he was persuaded, if they had been apprised that any bill was likely to be brought in for the settlement of these doubtful rights, he should have received instructions from all of them to give to such a bill

every

every support in his power. Mr. Curwen particularly mentioned the state of the ports of the Isle of Man, as an instance of the many evils arising from the point which he had stated. There was scarcely a port in the island in perfect repair, and some of them were so exceedingly ruinous from the scandalous neglect which had prevailed respecting them, that it was not many months ago that a boat coming out of one of them, had been overset, owing to the dilapidated condition of the mouth of the port, and fifty persons lost their lives.—Mr. Curwen therefore expressed a wish, that particular attention should be paid to the ports of the island (which from the present dangerous state, called loudly for some special notice in framing any bill which might be brought in upon the subject.)

Mr. H. Browne.

Mr. *Hawkins Browne* observed that what had fallen from the two honourable gentlemen who spoke last, might be considered as a complete answer to most of the honourable Baronet's objections, but he wished to take notice of the observation made by the honourable Baronet, that the Public rarely were gainers by the revision and reconsideration of a bargain that had been made on their behalf with an individual. It was evident from what had been said by the honourable gentleman near him, (Mr. Curwen) that the Public might possibly derive very material advantages from a reconsideration of the subject; but even if no such advantages were likely to accrue from the enquiry proposed, surely it was a sufficient ground for instituting it, that they might see whether justice had been done to the noble family in question or not. Was it not of the first importance to the Public, that no well-grounded reason of complaint should remain, that in a purchase of a very considerable property from an individual, an unfair advantage had been taken by Government of that individual, and if it should appear, that owing to the haste of the Minister in power when the bargain was made, (which might, he was willing to allow, arise from very laudable motives in the Minister) was it more than justice to set the matter to-rights? This (he continued) struck him as a very serious consideration, and added to the interesting facts that had been stated by the honourable Member near him, surely rendered it in the highest degree incumbent on the House to adopt the motion.

The motion was then agreed to, the House resumed, and the report immediately received.

The motion for leave to bring in the bill was then put and agreed to, and Mr. M'Dowall, Mr. Dundas, and Mr. Kirwan, were ordered to prepare and bring in the same.

The House next resolved itself into a Committee on the Indemnity Bill, Mr. Gilbert in the chair.

Mr.

Mr. Pye. Mr. *Pye* said, that as the indemnity to officers serving in the Militia extended but to the first of September, he would not make any objection to the present bill, because he might be considered as taking the gentlemen interested by surprise; he hoped, however, that it would never be again considered as a matter of course, that a clause should be annually suffered to pass, rendering the act for qualifying for those offices futile.

Mr. H. Browne. Mr. *Hawkins Browne* observed that he would not contest the bill in so thin a House, but he must contend, that it was essential, that officers serving in the Militia should qualify according to law; he hoped, with his honourable friend, (Mr. Pye) that in future the law would be put strictly in execution, and that the present indemnity clause to Militia officers might not hereafter be continued.

The Bill being gone through, the House was resumed, and the report was ordered to be made.

The House adjourned.

Thursday, 18th March.

No material debate occurred.

Friday, 19th March.

General Murray having brought up the bill, ordered in, and entitled, a bill "for appointing Commissioners to enquire into the extent and value of certain rights, revenues, "and possessions in the Isle of Man," it was read a first time, and on the question being put, that the said bill be read a second time,

Mr. Windham Mr. *Windham* rose, and remarked that he most earnestly wished, as he really had heard nothing either of the petition, or the motion for leave to bring in the present bill, till he saw mention made of both in the newspapers, that an early day might not be appointed for the consideration of a subject which seemed to carry along with it its meaning in marked characters. He understood that the town of Liverpool, and the inhabitants of other ports in that part of the kingdom, felt alarmed on the occasion; it was incumbent, therefore, on that House to examine it thoroughly, and he trusted that a second reading of the bill would not come on without a previous and sufficient notice.

Mr. Grenville Mr. Secretary *Grenville* regretted having been absent when the motion for leave to bring in the bill had been made; a circumstance which should not have happened, had he entertained an idea that any such motion was likely to be brought forward. He declared that he regretted it the more, as an impression had gone abroad of what had fallen in that day's debate, founded, he was persuaded, on misrepresentation, which,

which, however, he felt it his duty, on every principle of near connection, and of filial gratitude, to combat. The impression he alluded to, he was convinced, originated merely in misrepresentation, because the sentiments which had caused it, he had every reason to believe, had not been expressed, nay, he was sure they could not have been expressed. He had been too long used to misrepresentations abroad of what passed in that House, to place a reliance on any statement of words which he had not himself heard uttered within those walls; that, he should be lost to every filial feeling, and, what was still a more predominant principle in his mind, to every feeling arising from a love of justice and truth, if he did not take the earliest opportunity of contradicting the assertions to which he alluded, and declaring that if any gentleman meant to contend that the bargain made between the Public and the Duke of Athol, in 1764, was a bargain conducted upon principles which were unjust, or in a manner which was oppressive, that gentleman would find in the House, a person ready to meet his arguments, to reason the matter with him fairly, and to maintain the reverse of the position which he had just stated. Mr. Grenville said that he meant to support the present bill; but he wished to have it understood distinctly upon what ground he argued in its favour. He admitted that the public entering upon a bargain with an individual, made that bargain under very great and peculiar advantages, and that an individual bargaining under such circumstances, was not upon the same footing as when he was making a bargain with another individual. There might, therefore, be more than one reason for a subsequent revision and re-examination of any bargain transacted between the Public and an individual. One principal ground for a revision might be, that the party who was to sell was not actually in possession of the property in question, and that the rights for the purchase of which the bargain had been instituted, were not vested in the party at the time when the bargain was made. A second ground might be, that the party from whom the purchase was made, did not actually know what the rights he was to be divested of were, what their extent and what their value, and that the effect of the contract not only exceeded the contemplation of the Minister, but went beyond what the Public had it in their wish to require. There was also one other point which might be urged on the part of those with whom a bargain had been made, on behalf of the Public, which that House, he conceived, would at all times regard with much greater jealousy and caution than either of the two former, and that was, when the party with whom the bargain had been made came forward afterwards, and said, the conditions of the bargain had been unfair, and

the terms inadequate. For the confiderations which he had ftated, he meant to give his fupport to the prefent bill; but he begged the Houfe diftinctly to underftand, that he gave it his fupport merely as a Bill of Enquiry, and not by way of pledging himfelf to any one meafure whatever which might be propofed fubfequent to that enquiry. It was one thing to enquire, and another thing to act upon its refult.

Lord F. Campbell. Lord *Frederick Campbell* lamented that the right honourable gentleman had not been prefent on a former day, when the fubject of the prefent bill was in agitation; becaufe he was convinced if he had, that not one word [illegible] him, or by any other gentleman, would have impreffed his mind with an idea that the leaft difrefpect whatever had been caft on the right honourable gentleman's father. His Lordfhip obferved, that he had come into the Houfe in the middle of the debate, which took place on a former day, and confequently was not fully mafter of the whole of the arguments which had been urged; but having taken an active part in the tranfaction between the Public and the noble family in queftion, in the year 1764, he was mafter of the fubject, and had faid, that the bargain had been made with precipitancy. It was no more than he had declared to the Minifter of the day, at the time, for whom he had always entertained the utmoft refpect. It was well known that he had lived with him in great intimacy and friendfhip; that he was under confiderable obligations to him, and it was not very likely that he who had entertained an equal refpect for the father at that time, and for his fon now, fhould ufe any expreffions reflecting in the fmalleft degree on the memory of the former. That right honourable perfon was admitted on all hands to have been a Minifter of great abilities, indefatigable induftry, confummate virtue, and immoveable integrity. He did affure the right honourable gentleman, therefore, that in what he had faid, he meant nothing difrefpectful of his late father; and if any word which had fallen from him, could be thought to convey fuch a meaning, he was heartily forry.

Mr. Curwen. Mr. *Curwen* defired to call the attention of the Houfe particularly to the inhabitants of the Ifle of Man, and to the inconveniences which they had, for nine or ten years together, laboured under, in confequence of certain rights remaining in doubt between the Crown and the Duke of Athol. He again adverted to the wretched and ruinous ftate of the ports of the ifland, inftancing the port of Douglas in particular, which he defcribed as extremely unfafe and dangerous. He mentioned a claim of cuftom duty, of half a guinea a boat, on the herring boats which entered the ports of the Ifle of Man, which produced about 200l. a year, and was applied to the maintenance of the ports; and he called

upon

upon General Murray to ſtate what the claims the Duke of Athol intended to make were, in order that he might appriſe the inhabitants of the Iſle of Man, who were ſo materially intereſted, and that they might be prepared to be heard againſt the bill by themſelves or their Council.

General Murray.

General *Murray* declared that it was utterly impoſſible for him to give an anſwer to any ſuch queſtion in the preſent ſtage of the buſineſs. The bill then under conſideration was merely a Bill of Enquiry, offering or making compenſation for any claims whatever.

Mr. Dundas.

Mr. *Dundas* declared that he joined with his noble friend (Lord F. Campbell) in lamenting that his right honourable friend had not been preſent when the motion had been made for leave to bring in the bill. Sure he was, if that had been the caſe, his right honourable friend could not, for a moment, have entertained an idea that a ſingle ſyllable had been uttered in the leaſt diſreſpectful to the perſon for whom and for whoſe character his right honourable friend, in a manner ſo creditable to his feelings, and ſo perfectly natural, expreſſed an anxious wiſh to avow himſelf the advocate. He wondered not, however, from the miſrepreſentations given in ſome of the public prints of what had been ſaid on that day, that his right honourable friend ſhould feel as he had done. Had he not been preſent, but merely gleaned his knowledge of what paſſed from thoſe prints, he ſhould have felt it in the ſame manner himſelf. With regard to the queſtion, gentlemen ſeemed not correctly to underſtand the nature and object of the preſent bill. Before he endeavoured to explain himſelf, he was willing to tell the Houſe, unequivocally, that every word which fell from him on the preſent ſubject ought to be regarded with peculiar jealouſy. He had taken an active part in the diſcuſſion of the Duke of Athol's claim ten years ago, and the very points of view in which, from long and cloſe examinations of the ſubject, he had been led to conſider it, were ſo impreſſed on his mind, that they might fairly be regarded as the ſource of ſome degree of prejudice in his ſentiments. Mr. Dundas here entered into a deſcription of the grounds of the queſtion agitated ten years ago. He ſtated the terms of the original bargain made on behalf of the Public, which were ſeventy thouſand pounds, and an annuity of two thouſand a year for the joint lives of the then Duke and Dutcheſs of Athol. The Duke of Athol had, at the time, but lately come into poſſeſſion of his inheritance, and was perfectly incompetent to pronounce what its value was, or what he ought to aſk for it. It is well known, that he had preſented a petition, praying for more time to aſcertain his rights, which prayer had been rejected. That in the contract made in 1764,

many matters of material importance to the Public, and to the noble Family were left perfectly unexplained, and, thence, necessarily required a revision: That when the question was brought forward, ten years ago, an essential point in dispute had been the right of custom on the Herring Fishery, which was clearly a manerial right. On that point the House had divided, and (Mr. Dundas said) he had divided with a great majority of that House against the Minister of the day, who thought it his duty to oppose the noble Duke's claims, but the bill nevertheless passed that House, yet afterwards it was withdrawn when in the House of Lords. The Duke of Athol, however, was not to be considered as having set down contented, the fact being, that he had never failed to consider himself as a man greatly aggrieved, and to the day of his death he felt the injury deeply and severely. He had always meditated an endeavour to prevail on Parliament to revise the transaction in order to do him justice, and his son and successor had certainly chosen the most respectful way of proceeding, to obtain it. Had the present Duke been the person with whom Government had to treat in 1764, he was persuaded that his intelligent mind and excellent understanding would have prevented the difficulties the noble family had now to encounter. On the present Duke, he was willing to confess, the labouring oar lay. It remained with the noble Duke to make out a case sufficiently clear and convincing to satisfy that House that the bargain was so hastily made, that various circumstances material to be explained, had been left ambiguous and doubtful. That the consequence was, rights which never were in the contemplation of Government to obtain, and which it did not interest the Public to acquire, had devolved to the Public. That the Athol family were injured by such a lapse of caution on both sides, and that as principles of mutual convenience, as well as upon the still stronger principle of justice, the transaction ought to be re-considered, and if it should appear that the noble Duke's complaint was well founded, he was sure there was no man in that House so lost to every sense of liberality and candour, as to refuse to do the Athol family full and complete justice. It was true that a bargain once made might be considered as a bargain concluded; and although the grounds of the Duke of Athol's application to Parliament were undeniably founded, it might be said, "We know you were "lately come into possession of your estate, when it became "necessary for public purposes to divest you of your sove-"reignty of the Isle of Man; we are aware that you could "not possibly ascertain its value; we believe also that your "complaint of injustice done you in the transaction is true; "and that many rights, not understood or explained at the

"time,

" time, were involved in the compact, but an Act of Par-
" liament having passed upon the subject, and the bargain
" been made law, we will not look at it again." Such language would ill become a British Legislature; and he was sure there was not a Member in that House who would be so illiberal as to use it. He begged leave, however, before he sat down, to remind the House of the true nature of the present bill, which appeared to have been altogether misunderstood. The Duke of Athol, conscious that it lay with him to make out a case, clearly and distinctly, before he could expect Parliament to reconsider the transaction of 1764, applied to the House to countenance a Bill of Enquiry, in other words, a bill appointing Commissioners to investigate the conditions of the bargain of 1764, and all its various circumstances.

This was surely the most respectful application to Parliament that could possibly be made, since it was an appeal offered in the most solemn manner to the Legislature which ratified the bargain of 1764 to re-examine the grounds of that bargain. It left it to the House to appoint the Commissioners, and when those Commissioners, whoever they might be, should have made their Report, the matter did not go to the Minister of the day, to the Lords of the Treasury, nor to any departments of Government, for decision, what compensation ought to be made, but to the Legislature at large. It would lay with that House ultimately to decide what they thought the nature of the case might require, and to the other House to judge how far that decision was proper, adequate, or exceptionable. There could, therefore, arise no mischief from the entertainment of the present Bill, which was merely a preliminary proceeding, when no inconvenience or injury could possibly ensue.

The House adjourned.

Monday, 22d March.

Mr. Hatsell stated, that he had received a letter from the Speaker, desiring him to present his duty in the most respectful manner to the House, and to inform them, that he was detained in the country by the death of a near relation, (his father, Dr. Addington;) that he hoped his very short absence would prove of no material inconvenience to the public service, and that he intreated their indulgence.

Mr. Pitt.

Mr. Chancellor *Pitt* observed, that certainly, under the circumstances of the case, some adjournment must be proposed, but that he should not move for a longer adjournment than to the ensuing Wednesday, knowing, from the Speaker himself, that he was extremely desirous of returning to his duty in that House as soon as possible, and having reason to believe

believe that on that day the Speaker would be able to take the chair.

The Houſe adjourned.

Wedneſday, 24th March.

No material debate aroſe; but

The Maſter of the Rolls moved, "That the debate on the "affair of Captain Williams, which had been adjourned from "the 15th to the 22d, ſhould be farther adjourned to Mon- "day the 29th inſtant."

Mr. Francis. Mr. *Francis* ſaid, he ſhould not object to the motion, though he could have wiſhed, for his own part, to have reſumed the debate this day; but he hoped and truſted that no farther delay would be propoſed.

The Houſe adjourned.

Thurſday, 25th March.

Mr. Jolliffe. Mr. *Jolliffe* having moved, that the order of the day for the ſecond reading of the bill for the better cultivation of the commonable lands of the kingdom, be read, as ſoon as the motion was put, proceeded to detail the clauſes of the bill, and to argue in proof, that the principle muſt, undeniably, be admitted to be good, and that its clauſes, however imperfect they might prove, and however inadequate to their object, were capable of correction, and might in the Committee be amended. The bill was calculated to promote the benefit of every man, by increaſing the population, the wealth, and the manufactures of the country. Mr. Jolliffe ſtated, that the principle of the bill was to improve the ſurface of the kingdom, and by ſubjecting it to univerſal cultivation, render it productive of tenfold advantage to the general intereſts of the Public, as well as to the private intereſts of individuals. He ſtated that there were two deſcriptions of commonable lands; thoſe which merely afforded paſture, and thoſe which were in ſome ſtate of cultivation, ſuch as Lammas land, and other commonable lands, ſubject to peculiar privileges of the inhabitants of the vicinage. Having impreſſed this remark on the Houſe, he entered into a defence of his bill, arguing it clauſe by clauſe, and explained the principles on which each was founded; ſubmitting the whole and its tendency to the conſideration of the Houſe, and expreſſing his confidence that the object of the bill was important; his hopes that it might be ſo amended in the Committee, as to render it proper and practicable, and his ſatisfaction in the reflection, even if the bill were rejected, that he had done his duty in bringing the ſubject under the conſideration of Parliament; a circumſtance which muſt ever afford him pleaſure; and the more eſpecially, as it might hereafter excite

excite the attention of a man more capable of bringing in a bill adequate to the magnitude of the object, than he could pretend to be, and thence prove ultimately of serious advantage to his country.

Mr. Minchin.

Mr. *Minchin* declared that he had his mind fully charged with objections against the bill, grounded on a variety of different considerations; observing the House, however, to be so thin, and, from the variety of public business before the House, not thinking it a fit moment to enter much at large into discussion upon the subject, he said that he would confine himself to two observations. In the first place, the bill was a bill of compulsion, since it compelled the poor man, who had a right of common, to abandon that right, at the will of the rich man, whose lands lay contiguous to a common, and who could be essentially advantaged by an inclosure of it; and it was, in fact, an impracticable bill, since the very means which it provided for its execution could not then be carried into effect. Mr. Minchin concluded with moving, "That the bill be read a second time that day six "months."

Mr. Duncombe.

Mr. *Duncombe* censured the principle of the bill, as well as its clauses, and declared that the former was wild, extravagant, absurd, and incapable of execution. With regard to the jury, the bill provided no oath to be taken by them, on antecedent qualification to prove their competency, nor any other of those multifarious precautions customarily taken in bills affecting so many mingled interests.

Captain Berkeley.

Captain *Berkeley* observed, that he rose as the advocate of the poor cottager, who, under the intended operation of the present bill, was to be stripped of this narrow right of common, and obliged, at the will of a rich neighbour, to abandon that which was, perhaps, more valuable to him than any pecuniary consideration.

Mr. Curwen.

Mr. *Curwen* contended that it was a bill calculated to give the poor cottager advantages, instead of putting him in a worse situation than he stood in at present.

Sir Wm. Dolben.

Sir *William Dolben* complained that the title of the bill, and its clauses, were irreconcileable.

Sir Watkin Lewes supported the bill.

Mr. Jolliffe rose a second time, in justification of the bill, and in answer to various objections.

At length the House divided, Ayes, 13; Noes, 32.

The amendment was carried without a division.

The House adjourned.

Friday, 26th March.

The order of the day being read for the third reading of the Speaker's office bill, the same was accordingly read a third time,

time, and upon the queſtion being put, that this bill do paſs, the ſame was carried, *nem con.* Mr. Montagu was then directed to carry it to the Lords, and he was attended by all the Members preſent.

The Houſe in a Committee of Supply, after a queſtion from General Burgoyne, which was anſwered by the Secretary at War (Sir George Yonge) and Mr. Steele, came to the following reſolutions, viz.

"That it is the opinion of this Committee, that a ſum, "not exceeding 356,458l. 12s. 4d. be granted to His Ma-"jeſty for defraying the extraordinaries of the land forces, "from the 25th day of December, 1788, to the 24th day of "December, 1789.

"180,938l. 19s 6d. for the in and out penſioners of "Chelſea hoſpital.

"9,991l. 9s. 3d. for penſions to widows of commiſſioned "officers.

"3,859l. 1s. 8d. for keeping in repair the roads and "bridges in the Highlands of North Britain.

"36,093l. 15s. 0d. for defraying the charge of ſubſidy to "the Landgrave of Heſſe Caſſel for 1790.

"238,279l. 9s. 2½d. for payment of ſuch part of princi-"pal and intereſt, as ſhall become due before the 10th of "October, 1790, on all orders made out under the act of "Parliament for the relief of the American ſufferers."

The above reſolutions to be reported on the enſuing Monday.

The Houſe adjourned.

Monday, 29th March.

Ld. Hood. Lord *Hood* roſe, and ſaid, that the great and ſingular obligations he was under to a very large majority of the electors of Weſtminſter, had made an impreſſion upon his mind never to be effaced; that nothing could equal his gratitude, but their perſevering zeal and exertion in his favour; and that he ſhould, therefore, ever feel it an incumbent duty upon him (whether he had the honour of being again returned one of their repreſentatives or not) to endeavour, to the utmoſt of his power, to reſtore them to their juſt rights, which he had ſeen ſo groſſly violated. That he had done all that was poſſible for him hitherto to diſcharge the promiſe he had made at the cloſe of the laſt election, and that he ſhould labour for the ſpeedy attainment of their rights until they were ſubſtantially and effectually ſecured; that he could not refrain from troubling the Houſe with theſe few words, in which he hoped and truſted he had not been irregular.

Mr. Fox. Mr. *Fox* obſerved, that he ſcarcely knew what to offer to the Houſe in conſequence of the uncalled-for declaration juſt

made

made by the noble Lord, and tending to no motion; it was, however, incumbent on him, who was somewhat more nearly connected with the citizens of Westminster than the noble Lord, to say something. He felt as strongly as the noble Lord, or as any man could, for the interests of his constituents; and he, who had received so many and great favours from them, should be the worst of men if he did not, to the utmost of his power, support, as he flattered himself he always had done, their rights and privileges.

The order of the day being read for resuming the adjourned debate on the case of Captain Williams,

Mr. *Francis* said, that as the act of the 33d of Henry the Eighth, and the 45th clause of the 24th of His present Majesty, must have a considerable share in the debate of this day, it would be proper that they should be first read; and they were, upon his motion, accordingly read as follows: Mr. Francis.

Act of the 33d of Henry the Eighth, cap. 23.

"Be it therefore enacted, &c., that if any person or persons being examined before the King's Council, or three of them, upon *any* manner of treasons, misprisions of treasons, or *murders*, do *confess* any such offences, or that the said Council, or three of them, upon such examination, shall think any person so examined to be vehemently suspected of *any* treason, misprisions of treason, *or murder*, that then, in every such case, by the King's commandment, H. M. commission of Oyer and Terminer, under his Highness Great Seal, shall be made by the Chancellor of England to such persons, and into such shires and places, as shall be named and appointed by the King's Highness, for the speedy trial, conviction, or delivery of such offenders; which Commissioners shall have power and authority to enquire, hear, and determine all such treasons, misprisions of treasons, and *murders*, within the shires and places limited by their commission, &c., in whatsoever other shire or place, within the King's dominions or *without*, such offences of treasons, misprisions of treasons, *or murders*, so examined, were done or committed, and that in such case no challenge for the shire or hundred shall be allowed."

Act of the 24th of George the Third, cap. 25, clause 44.

"That all His Majesty's subjects, as well servants of the said United Company as others, shall be, and are hereby *declared* to be amenable to all Courts of Justice, (both in India and Great Britain) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, *crimes and offences*

" *whatsoever*, by them or any of them done, or to be done
" or committed, in any of the lands or territories of any
" native Prince or State, or against their persons or proper-
" ties, or the persons or properties of any of their subjects or
" people, in the same manner as if the same had been done
" or commi ted within the territories directly subject to, and
" under the British Government in India."

The Master of the Rolls moved also, as a necessary explanation to the last act moved for by Mr. Francis, the reading of the act of the 13th of His present Majesty, which was the foundation of the act of the 24th.

The acts having been read,

The Speaker. The *Speaker* observed, that according to the rule of the House, no gentlem n who had spoken to the question during a former day, could again speak on the debate; desired to know whether in the present instance, it would not be more convenient to dispense with the rule, the debate having been principally adjourned, in order to afford time for a farther consideration.

Mr. Burke. Mr. *Burke* remarked, that in particular cases, as in the present, where much explanation might be necessary, speaking more than once, instead of retarding, would probably tend to dispatch; for that reason he had before contended for the propriety of going into a Committee, where gentlemen could, without a violation of the rules of the House, speak as often as they thought proper.

The question was then read from the Chair, "That a "Committee be appointed to enquire into the death of Mus-"tapha Cawn."

Mr. Pitt. Mr. *Pitt* said he rather wished and expected, that as the original motion came from the other side of the House, gentlemen on that side would deliver their opinions first, after which he should take an opportunity of stating what might occur to him on the subject.

Mr. Francis. Mr. *Francis* observed, that he had already delivered his opinion at large; that the debate had not been adjourned at his desire, but very much against it; and that he had reason to expect that the learned gentleman who proposed the adjournment, for the express purpose of reconsidering the subject, would not favour the House with the result of his reflections.

Master of the Rolls. The *Master of the Rolls* observed, that as he did not think the subject had received that consideration, previous to the former Debate, which its importance deserved, he had expressed his wishes for additional delay. He retained his former opinion—he considered going into a Committee as likely to produce no other consequences than such as would be injurious to justice; and, for that reason, he still objected to

any enquiry. He contended that there was no sufficient evidence for the prosecution; and that if there was, the Acts quoted did not empower our Courts of Justice to take cognizance of the offence. The Act of Henry the Eighth was the only statute that gave any power to try for murder committed without the realm, and that did not authorize the trial of capital offences committed out of the English dominions, unless upon British subjects; but if the House thought that by the act of Henry the Eighth Captain Williams could be prosecuted, it still operated against the going to a Committee, as the House could, without such enquiry, vote, if they thought proper, such prosecution directly, upon the grounds of the information already before them. He saw but three motives for which the enquiry could be insisted upon, the first to prosecute for a murder by a bill of attainder, or to proceed by impeachment for a misdemeanor, or for the purpose of remedying a supposed defect in the law. The crime charged against Captain Williams was a murder, or it was nothing; and he much doubted whether the act of Henry, applied to this case, would be countenanced by any of our Courts, observing that from the time of passing that Act to the present day not a single individual had been tried under it. He did away all thoughts of proceeding for a misdemeanor, and declared that though he did not mean to say, nor was it at all necessary that he should, what he thought of the offence, he did not conceive that it called for the application of an *ex post facto* law. Captain Williams was not the principal in the affair, for which, if criminal, Colonel Hannay, who was dead, had most to answer; Captain Williams, he had no doubt, acted as he thought right; he, however, would not justify the act, but did not think it one that was of sufficient consequence to call on the interference of that House If the House were inclined to remedy the defects of those acts, and give such power to our Courts as would enable them to punish similar offences in future, they could make the necessary new law without any reference to Captain Williams, whom he sincerely wished had been better advised than to have brought his case before that House, which had nothing whatever to do with it.

Mr. *Francis* said he would not now enter into the general debate, he rose merely to set the honourable and learned gentleman right in a point of fact. He had never urged the request or petition of Captain Williams as a motive to the House to enquire into his conduct, all he had done was to state it fairly among his own motives for resuming the business. Mr. Francis

Major *Scott* next rose and said, I am exceedingly glad, Sir, that I have had the good fortune to catch your eye, as soon Maj. Scott

as the honourable gentleman (Mr. Francis) sat down, because I should have been exceedingly sorry, indeed, if one moment had passed before I expressed my astonishment at the very extraordinary speech of the honourable gentleman, who has said it was not at the request of Captain Williams that he moved this inquiry, though he allows Captain Williams did make such a request to him. Sir, I do affirm, in the face of that honourable gentleman, that it was at Captain Williams's request alone that he came forward. I affirm that, when first applied to, he declared he had no idea of making any charge; and Sir, when he stated the other day what passed between him and Captain Williams, he ought to have told all that passed. I am ready to allow, that as far as he went, he told it fairly and honourably, but he did not tell the whole; and, as I am up, I now beg to add a few words upon the question. The honourable gentleman mentioned the other night the case of the Armenians, in the time of Mr. Verelst and Sujah Dowlah; but is there one point, Sir, in the two cases that can bear a comparison? The case of the Armenians, Sir, was this: These men were not subjects of Sujah Dowlah, but servants of a Mr. Bolts, and were employed by him in his commerce in Oude. General Smith, the Commander in Chief, represented to Mr. Verelst, that the residence of these men in Oude might be attended with dangerous consequences. Mr. Verelst then desired Sujah Dowlah to send them prisoners to Calcutta, which he did; but what had this to do with the distribution of justice in his own dominions, to his own subjects?

The honourable gentleman next made a motion, that the Company should send to this House a copy of the perwannah for putting Mustapha Cawn to death. Sir, the honourable gentleman knew that this was a mere farce; he knew that no copy of any perwannah was ever sent from Oude, not only not to the India House, but not even to Calcutta. The honourable gentleman knows that the Government of Bengal never did interfere, directly nor indirectly, in the administration of criminal justice in Oude. Sir, if the honourable gentleman's memory is so loose, I will bring his own testimony, his own handwriting, to prove it. In the year 776, when the honourable gentleman was in a majority, the Nabob Asoph ul Dowlah desired that Colonel Goddard might be appointed Commander in Chief of his forces, which request the Council complied with. The Nabob soon after this granted him a warrant for holding General Courts Martial. The Colonel wrote to the Board, telling them that he was about, under that authority, to try two men for murder, and desired to know if he should send the proceedings to them. The Council answer, "We do not think it ne-
"cessary

" cessary for you to transmit copies of your proceedings to " us for our information, as the Nabob is the only fountain " for the distribution of justice to his own subjects." This letter the honourabl· gentleman himself signed, yet he now would persuade the House, that justice is administered in Oude through the medium of the Government of Bengal. I well know that the circumstances I mention do not come with the weight they would from a learned and honourable gentleman, who would, I believe, have taken a part in this debate, if not detained by duty elsewhere. I will mention another [illegible]; Captain Williams has received a letter from Major Lumsdane, which gives exactly the same account of Mustapha Cawn that Captain Williams did, and affirms, that he delivered him over to Captain Williams, under sentence of death, in the month of March 1781; that he was a man who had lived for years by rapine and plunder. I will put it, Sir, to this House, I would put it to every officer, whether with a country universally in arms, and in rebellion, he would have ventured to disobey the orders of his commanding officer, and that particularly, when he was informed that the escape of the man might be attended with the loss of the province? By the usage of every service upon earth, was he, or was he not, to obey his commanding officer? If there is a fault any where, it is in the honourable gentleman and the Government of Bengal, who appointed their own officers to a foreign service, who ordered them to obey his orders, issued through these commanding officers, but who peremptorily forbade subaltern officers to correspond with the Nabob. Since this debate commenced, I have very industriously gone through the transactions of the late war in America, and I scarcely found a page, without meeting instances of British subjects, and Americans, having been put to death without any form of law, though strictly consonant to the usage of war. The gentlemen opposite to me allow that Gurruckpore, like America, was in a state of rebellion, and universally in arms. If, under these circumstances, Captain Williams is to be censured for obeying his positive orders, there must be an end of all discipline in time of war, and rebellion. Before I sit down, Sir, I beg leave to allude to what fell from a right honourable gentleman (Mr. Fox) in the last debate. He said that I had very often mentioned, both in the House and out of it, the mode in which thirteen out of the twenty articles had passed. If by so doing, Sir, I have offended against the orders of the House, I am very sorry for it, since no gentleman can feel a greater respect for the House than I do; but, Sir, not only since I have had the honour of a seat in this House, but while I diligently attended to its proceedings from the gallery, I have observed that

the

the past proceedings of the House were spoken of with the utmost freedom. If, therefore, I have erred, it has been by following great examples; however, Mr. Speaker, there is one mode by which every thing of this kind may be avoided. If the fact I have stated is disputed, will the right honourable gentleman move for a Committee to enquire how these articles were passed? or if I make the motion, will he support me in it, and then there can be no misrepresentation?—[Here the Speaker read the question.]—Major Scott added, Sir, if this is out of order, you will at least allow that I am but answering the right honourable gentleman; and though I highly esteem the honour of a seat in this House, I do not wish to hold it by sufferance, or indulgence; if any man can say I have done an act to forfeit my right to it, I wish him to come forward, and I will submit my conduct to the impartial judgement of the House.

Mr. Burke Mr. *Burke* having premised that, in his opinion, the honourable and learned gentleman had reduced the question to a mere question of prudence, and had stated his objections formally on the ground of the supposed inapplicability of the 33d of Henry the Eighth, added, that he had also taken another objection; and this was against proceeding by bill of attainder. In short, the honourable and learned gentleman had carried his prudential motives so far, that he had advised the House to have nothing to do with a question in which the national character, and possibly, the existence of our possessions in India, were deeply involved. In such a question, affecting our humanity, affecting our charity, and affecting the laws of nature and of nations, would that House hesitate to proceed? When a case of so violent, a case of so flagrant a nature as the atrocious murder of Mustapha Cawn, for so it was in his opinion, presented itself to the consideration of that House, would the Commons of England turn a deaf ear to it? Let the House recollect the manner in which the matter came before them; they had not their way to search out, they had not merely an insinuation of the atrocious facts, but the particulars had long been on their journals, and though the party who had committed the crime was before unknown to them, he was no longer in concealment. He had rushed voluntarily and daringly into their presence. He had proclaimed his guilt, avowed his criminality; nay, more, he had justified it. The criminal came boastingly to that House, and cried aloud,

Adsum qui feci, in me convertite ferrum!

The criminal cries, "I come for satisfaction; I claim it at "your hands, as an injury offered by yourselves. What "you denominate a murder, I consider as a merit; and I "insist

"insist on your acknowledging it to be such." They were called on, therefore, indispensably called on, to justify the act of mentioning the name of a lesser criminal in the prosecution of a greater. The House ought, therefore, for their own dignity and honour, to go into an inquiry, to see whether they had or had not been guilty of an injury to the character of Captain Williams? If they had, it was their duty, and would be honourable in them to declare it; it was a decision which they could not, with credit, avoid; the business was before the Public at large, who called for a decision on the homicide avowed and obtruded upon them, and on the House, which could not dissemble their knowledge of such homicide, he who had committed it having triumphantly avowed it, and dared an inquiry. Mr. Burke proceeded to maintain in argument, that Mustapha Cawn was murdered in cold blood; that he was a great man; and that he was murdered in prison, where he was entitled to protection; and a variety of other facts. It was plain, he said, that Mustapha Cawn, by the statement of Captain Williams himself, had been killed in cold blood—that he had been killed with deliberation, and that no legal justification, under a regular process of law, was offered to be set up for such homicide, a homicide under which circumstances, he was confident, no one would presume to say was not a murder! In aggravation of this murder, it was to be remembered, that the murdered man was of great consequence in his country; that he was, though stated to be a robber and plunderer, and a man of no consequence, able to raise from seven to ten thousand horse and foot; a man capable of raising such a force must be a Prince of great consequence, which, however, his title imported. He had been called both Rajah and Cawn, one signifying rank in the Mahometan, and the other in the Hindostan language, a person of great distinction. He contended strongly, that though a murder, whether of a poor or rich man, was equal in the sight of Heaven, and ought to be punished with death, that the murder of a great, powerful, and rich man, was an aggravation of the crime, as greater evils might be expected to follow from it. Those who stood forward to the conviction of such criminals as Captain Williams, were stigmatised with being actuated by a principle of revenge; it was, however, a principle of revenge that was noble, and with which he hoped always to see a British House of Commons actuated; for it was a principle of sensibility to revenge the wrongs of those who were rendered incapable of revenging their own He condemned the justification set up of Mustapha Cawn's being a prisoner, which, instead of a palliation, was, in his opinion, an aggravation of the crime; a prisoner being a sacred character whom the

laws

laws were bound to protect. The laws of England, so far from presuming guilt in a prisoner before he was convicted, considered every man who died in a jail as murdered, and the Coroner was always obliged to sit on the body to enquire into the fact of his death. Mustapha Cawn died in a prison, under the charge of a British officer; and that House, as the grand Coroner of the nation, ought to enquire into the circumstance of his death. But there were still stronger reasons to be urged for an inquiry; he understood that the perpetrator of this homicide, which he had proved to be a murder, was a Justice of the Peace; it was the duty of the House, therefore, when they found persons holding such opinions as he did, filling important judicial capacities, to enter into a minute inquiry; the consequence of such opinions ought well to be considered. He wished to put a case that might happen, to shew the necessity of an inquiry, when such persons as Captain Williams were in the commission; if a soldier guarding a prison were to put to death a prisoner under his care, and were to be brought for such murder before Justice Williams, and to say in his exculpation, "that he "had an order for so doing from his commanding officer, "who had heard from some person, who had heard from "another, and so on, that the prisoner was under sentence "of death," Captain Williams must, according to his conscience, acquit the soldier. Mr. Burke next adverted to what the Master of the Rolls had said of Colonel Hannay being the principal, and observed that the law knew no distinction in murder, but considered all as principals. If the laws were insufficient, in the present case, to bring Captain Williams to punishment, which, however, he did not think, he should have expected that the law officers in that House would have been the first to have instituted a prosecution, or to have proposed a remedy which would guard hereafter against any future Captain Williams; but he was sorry to observe that, on the contrary, they always appeared very reluctant, and seemed rather desirous, when the law was impotent, that it should remain so. Impotent laws, he considered as a great oppression and tyranny on the people. He recapitulated his reasons for pressing the necessity of inquiry, and said a stronger case could not be brought forward than the present, where the person who had committed the murder was to be considered in two lights; first, as a magistrate holding the most horrible opinions that could be entertained, and secondly, as a soldier, and consequently as a person in whose hands, in both capacities, the Legislature had placed the civil and martial sword, and whose duty it was to see them exercised for the benefit and protection of the people, not for their oppression and destruction.

Mr.

Mr. Burke, in the course of his speech, desired that the following paper might be read, to shew what the opinion of Mr. Hastings was of the general character and conduct of British officers serving in India. That gentleman had stigmatised the whole body of them with peculation and rapacity, and even with perjury in the administration of justice. He had charged a court martial, composed of officers of rank and *respectable* characters, with acquitting Captain Erskine upon an acknowledged fact, that is, with flat, palpable perjury, on a general principle of connivance and fellow feeling; and it was a sign he knew them; for otherwise, after receiving such a general stigma of infamy from the hand of Mr. Hastings, how was it possible they should continue to support and abet him? They would have resented the insult, if they had not been conscious of deserving it.

Extract of a Minute of Mr. Hastings, dated 29th of November, 1781.

"The remote stations of those troops placing the commanding officers beyond the notice and control of the Board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the contagion of peculation and rapacity *throughout the whole army*. A most remarkable and incontrovertible proof of the prevalence of this spirit has been seen in the Court martial upon Captain Erskine; where the Court, composed of officers of rank and respectable characters, unanimously and honourably, *most honourably*, acquitted him upon an acknowledged fact, which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment."

Mr. *Vansittart* rose and contended that the procedure of Captain Williams was perfectly justifiable, on account of his indispensable obedience to the commanding officer, whose duty in was to execute the orders of the Nabob of Oude, who undoubtedly had the power of sentencing to death, and ordering for execution, any of his subjects: and, in this number was Mustapha Cawn. Mr. Vansittart

Mr. *Ryder* saw no necessity for a Committee; if the House were convinced of the propriety of a prosecution, they would proceed immediately. Mr. Ryder.

The *Attorney General* remarked that he could not avoid complaining that the right honourable gentleman had cast an harsh imputation on him and his colleague; the right honourable gentleman had been pleased to accuse them of neglect for not having prosecuted Captain Williams, when it had been only a few days since that the first grand and material fact in which the whole transaction turned had come out, viz. Attorney General.

 that

that Captain Williams was the man who ſtruck off Muſtapha Cawn's head. It was not the duty of thoſe who ſtood in his ſituation to go about ſeeking for materials to furniſh a proſecution againſt any of his Majeſty's ſubjects for a capital crime. It was the duty of others, to collect ſuch materials, and when they were ſubmitted to an Attorney General, he was then, to the beſt of his judgement, to conſider whether it would be for the honour of the country, that the proſecution be inſtituted. In the preſent inſtance he was not of opinion that it would be any benefit for the enquiry to proceed, becauſe whatever might be Captain Williams's offence, he was ſatisfied the law of the country could not reach it. The charge of neglect, therefore, wantonly urged againſt him and his colleague, was unjuſt, and the more unjuſt as it came from a gentleman profeſſing to be the advocate of juſtice. His right honourable and learned friend (the Maſter of the Rolls) had ſaid the act of the 33d of Henry the Eighth ſpoke of the murder of a Britiſh ſubject by a Britiſh ſubject. It undoubtedly did ſo, and as not a ſingle inſtance of a proſecution for murder, inſtituted on the act of the 33d of Henry the Eighth, againſt a Britiſh ſubject for the murder of a foreigner in a foreign country, was to be found, how could he, with any colour of juſtice, proceed with ſuch a proſecution, or how could he put into the indictment, with any hopes to be able to ſuſtain it, that the perſon, alledged to be murdered, was in the King's peace, when he was not His Majeſty's ſubject? And without thoſe words it would be impoſſible for him to proceed. If the letter of the law was ever deviated from, and fanciful expoſitions of penal ſtatutes proceeded upon, there was an end of the ſafety of the ſubject. In the preſent caſe the alledged homicide was committed in 1781; and the 24th of the preſent King did not paſs till 1784, it was impoſſible, therefore, to apply that act to the caſe of Captain Williams, even if it had contained any reference to ſuch a deſcription of crimes, which it certainly did not. There were two ſorts of crimes, there being a manifeſt diſtinction between moral crimes, and the crimes againſt the law; in the caſe of Captain Williams, his might be deemed a moral crime, becauſe, if he had been ever ſo guilty of homicide, the caſe was not a crime againſt the law of this country. The Attorney General alluded to the obſervation of the Maſter of the Rolls, that Captain Williams had not been the principal in putting to death Muſtapha Cawn. Colonel Hannay, who was dead, had been more to blame than Captain Williams. He was aware that there were no acceſſaries in murders, but that all were principals; as far, however, as appeared to him, he did not think Captain Williams's intentions were bad, or that he could fairly be accuſed

of premeditated murder, though he thought him much to blame. He believed that Captain Williams, actuated through a miſtaken ſenſe of duty, and from inadvertency, had done that to which a man of more recollection would not have proceeded.

Mr. Fox.

Mr. *Fox* heartily wiſhed the right honourable and learned gentleman had left off a few minutes ſooner, becauſe he had hoped to have had the triumph of knowing, that the honourable gentleman under the gallery had made ſuch a defence for Captain Williams as no Member, but a man polluted by reſidence in India, would have thought of. The honourable gentleman had ſuppoſed the will of a Prince to be the arbiter of the fate of all his ſubjects, and that he had the unlimited right to put to death whoever he thought proper; the honourable gentleman had candidly laid out of the queſtion all the collateral circumſtances, and, without thinking it at all material whether Muſtapha Cawn was under ſentence of death or not, whether he was a robber or a Rajah, he had concluded that it was juſtification enough for Captain Williams that he underſtood it to be the order of the Nabob of Oude that Muſtapha Cawn ſhould be put to death, and that his order was a ſufficient authority for the death of that man. He ſhould be glad to know from what learning or what doctrines it was, that the honourable gentleman had collected his knowledge on this ſubject, becauſe, in all his life-time, he had never heard that in any country, however completely deſpotic, with ſentence or no ſentence, it was the duty of any man, of whatever deſcription, to put any man to death at the ſole will and order of the Sovereign. He had heard, with concern, from the honourable and learned gentleman, in the latter part of his ſpeech, ſomething that looked a little like a palliation of a crime, which, whether they went into a Committee or not, he hoped they all held in the utmoſt and moſt unanimous abhorrence. The honourable and learned gentleman's diſtinction between a moral and a legal crime he admitted to be juſt, declaring, at the ſame time, that putting a man to death, from mere inattention, was that ſort of inadvertency which conſtituted the worſt ſpecies of crime, and called, in his mind, for the moſt exemplary puniſhment. Mr. Fox laid great ſtreſs on the right inherent in that Houſe to inſtitute and authorize any ſort of proſecution, and urged the propriety of their going into a Committee, as the weight of a proſecution commenced by them, would neceſſarily appear more ſolemn, and make a much greater impreſſion, than the proſecution ſet up by any individual, however reſpectable. He ſaid there was an act of propriety in the Houſe of Commons' proceeding in the preſent caſe, conſidering who they were, and what the law of Parliament was. That it

was the corner-stone of the Constitution, and paramount to all other law, because it was the only law by which the professors of other laws could at all be made answerable, the only law by which Judges who administered other laws, could be tried for the corrupt administration of such laws. In a former debate, it had been stated, that certain crimes of the description of the two extremes of offences, could only be tried by Parliament, but that intermediate crimes of felony were not an object of Parliamentary investigation. An honourable and learned gentleman had declared, that if Captain Williams's offence was not murder, it was nothing. Mr Fox adverted to what Mr. Burke had said of the maxim *ampliare justitiam*, and contended that his right honourable friend, who always viewed his subject in the most enlarged light, had not attempted to put a forced or fanciful exposition on the Statute of Henry the Eighth, but had very justly remarked, that if the putting Mustapha Cawn to death was a legal crime, it must be a murder, and came under that statute. He reasoned for some time on the statute of Henry the Eighth, and declared that he felt considerable doubt whether that act did extend or not to the case in question. If it did extend and apply to the case, Captain Williams ought to be tried for murder. If it did not extend, the case, at least, must amount to a capital misdemeanor, and he owned he saw no misdemeanor of a higher sense than that of a servant of the East-India Company putting to death a native Prince. They had, he reminded the House, accused Mr. Hastings of being the means of taking money from the Begums; supposing it had been a murder, would not Mr. Hastings have been liable to have been tried for it capitally? With regard to the murder not being premeditated or grounded in malice; the only way to judge of men's motives was by their actions, and consequently, if the fact committed was a murder, it was warrantable to impute a murderous intention. The motives must be similar to the act. He took notice of Bills of Attainder and Impeachment, as the two great instruments of Parliamentary prosecution. The right honourable gentleman had observed, that impeachments were not applicable to commoners charged with murder. To that he agreed; and then he reverted to what he had before observed, that misdemeanors committed by men in office, and of political consequence, were peculiarly the object of prosecution by that House. It was besides well worth their while to consider, whether by passing by such a flagrant and atrocious proceeding as the death of Mustapha Cawn, they were not teaching principles to soldiers that were despotic, and would not render such an army destructive to their liberties and a most intolerable grievance. Did any man imagine that the moment

moment their army entered Germany, or any other country, they were to adapt their maxims to the maxims of that country? Thank Heaven in no civilized country did any ſuch pernicious principles ſtand. It was not only the crime of Captain Williams which they ought to reprobate, diſclaim, and diſavow, but the doctrines ſet up in its juſtification; as the Houſe could not conſiſtently with either its honour or its duty avoid ſome proceeding, and they ought, by diſclaiming the facts in queſtion, to ſhew that they conſidered them as a high offence againſt the honour of the nation, and meant thereby to prevent any more ſuch crimes being acknowledged and boaſted of, which he had hoped no Engliſhman would have dared to ſtate, and which could not be thought upon without abhorrence.

Maj. Scott

Major *Scott* ſaid, I beg to offer one word, and one word only, in explanation. I entirely agree with every ſyllable the right honourable gentleman has ſaid, as applied to a country in peace; but I have ſtated, and every gentleman allows, that the province in which Captain Williams commanded was univerſally in rebellion, and I will bring a hundred inſtances, during the late war in America, to prove that Britiſh and American officers acted preciſely as Captain Williams had done; and I do now moſt earneſtly call upon ſuch Members of the Houſe, as have ſeen ſervice, to declare, whether under all the circumſtances of Captain Williams's ſituation they would have diſobeyed the order.

Mr. Vanſittart

Mr. *Vanſittart* denied that he had ever laid it down as a maxim that any Nabob had a right to put innocent people to death; he had confined himſelf merely to the preſent caſe, that of an order to execute a robber under ſentence of death.

Mr. Burke

Mr. *Burke* anſwered to that part of the ſpeech of the Attorney-General, in which he had accuſed him of injuſtice, and that aggravated, becauſe he had profeſſed himſelf the defender of juſtice in others. Mr. Burke ſaid, he confined himſelf to the letter of the law, and moved that the 33d of Henry the Eighth be read, to prove that he had not travelled out of the letter of the act.

A word or two more of explanation paſſed between the Attorney General and Mr. Burke.

Mr. Dundas.

Mr. *Dundas* declared that the right honourable gentleman over againſt him had reaſoned fairly and ingeniouſly, and had put the queſtion on its true grounds; whence it was now clear that the manner in which it had been argued on a former day was not that on which it could be ſupported. The honourable gentleman who had introduced the queſtion, had ſtated, that the fact of putting Muſtapha Cawn to death was a murder, cognizable as ſuch, and that if an inquiry took place, Captain Williams muſt be put upon his trial, and if

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so, there was not a doubt in the honourable gentleman's mind that he must be convicted. From the arguments which they had heard that day, it was evident, that to treat the transaction as a legal murder was not the right way of considering it. He owned that he had never been able to raise a doubt in his mind, whether it was a proper subject for inquiry or not. He was convinced that no good purpose whatever would be answered by going into an inquiry; and that if the facts, as alledged, were found to be true, to their broadest extent, no Court of Justice could take cognizance of them on a prosecution for murder, and consequently, to proceed that length, would be both fruitless and nugatory; and therefore the addresss to the Crown, for His Majesty to order his law officers to prosecute, as the right honourable gentleman had suggested the last time the question was debated, would have been improper, because His Majesty's Attorney and Solicitor General would have found that they could not proceed a single step in pursuance of such orders, since no Court of Law could entertain such a prosecution. Mr. Dundas declared that he did not wish to be included in the number of those who thought the conduct of Captain Williams meritorious; and he begged not to be considered as giving any approbation whatever to the transaction. He was far from thinking that any officer had a right to execute the criminal laws of a country, or that it was any part of his military duty. He was willing to suppose that the strongest report that could possibly be imagined to come from the Committee, now moved for, was upon the table, and that such report charged Captain Williams in direct terms with having feloniously and illegally put Mustapha Cawn to death; but he should still argue that the inquiry ought not to have been gone into, because the House would stand in the very awkward and disgraceful predicament of having a murder recorded on their journals, without being able to take any one step to bring the murderer to justice. The right honourable gentleman who had lately spoken (Mr. Fox) had with great candor observed, that he entertained his doubts whether the act of the 33d of Henry the Eighth was applicable or not to a murder committed in India, in the dominions of a native Prince on one of his subjects. Sure he was, on his part, that it was no more applicable, than to any subject of this country who might kill a Frenchman in a duel in France; or a subject of any other foreign country to whom, in France, the same circumstance might have happened. But the right honourable gentleman had said, that if the fact in question could not be tried as a murder, he was of opinion that it might as a high misdemeanor. He was ready to admit, with the right honourable gentleman, that many offences which could

could not, as the law stood, be tried as capital crimes, might nevertheless be fit subjects for trial as high misdemeanors, but he should still contend, that no inquiry was necessary, nor any Committee, because the act of the 24th of the present King makes the jurisdiction in England co-existent in regard to misdemeanors with the jurisdiction in India. From the time that bill passed, the same juridical powers which then existed in Bengal, the provinces of Bahar and Orissa, were given to the Court of King's Bench, but the jurisdiction was confined in India to those provinces. He had conceived that the 24th of his present Majesty gave a power to try capital crimes in India, but he had found that it did not; it was confined to offences *ejusdem generis* as were before liable in India; such a use, therefore, might be made of the subject then before them, as to suffer it to prompt them at a future and fit opportunity, to make an extension of the law, as it now stood, to capital crimes; but that must be done specially by the authority of statute, and it ought to be effected upon general principles, and to guard against similar cases with that under consideration.

The *Solicitor General* admitted that his arguments urged in the former debate might fairly be deemed rash, but not in the point of view in which that epithet had been applied to them by the right honourable gentleman on the other side of House. He expressed his satisfaction that the adjournment of the debate had taken place, since it afforded him, in common with other gentlemen, an opportunity of examining the case and the act of the 33d of Henry the Eighth more minutely. That act he had, it was true, been rash enough to say, might possibly apply to Captain Williams's conduct; he was now fully convinced, that under that statute Captain Williams could not have been prosecuted for murder, since the act had no other reference than to the subjects of the King, or to persons living under the protection of the King's government. Had the inquiry been instituted, as it had been proposed, and the House had, after an inquiry, been prevailed on and persuaded to prosecute, let any gentleman consider under what a disadvantage they would have sent Captain Williams to his trial, with all the weight and authority of that House against him, after having heard his defence, and then decided upon a prosecution. The Solicitor General observed, that, as to himself, he was well known to be fond of forms, and it had been more than once imputed to him as a matter of blame. He owned that he loved the common and ordinary forms of justice, as administered in the Courts of law, and whenever a subject could be tried in those courts, that House ought not to deprive the subject of the advantages which he might derive from that situation, and take

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the law into their own hands; being persuaded that the subject, when he could be tried in the Courts below, would get but little justice from that House if they took it on themselves immediately to try him. The Solicitor General took notice of Mr. Burke's declaration, that the reason why he had not proceeded against Captain Williams four years ago, was because he was not certain of the fact that Captain Williams was the man who had put Mustapha Cawn to death; and, under such a doubt, he contended that Captain Williams was most unjustly dealt with to have had his name mentioned as at all connected with the imputation of atrocious murder. The Solicitor General added, that he always wished to speak of the House with respect; yet, he must take the liberty to remark, that if a private individual had stated that "Captain Williams, or some other British officer," had committed an atrocious murder, without being in full possession of proof to bring the fact home to Captain Williams, justice would have reached that individual.

Mr. Burke Mr. *Burke* observed that, as many honourable Members of great ability and influence had expressed doubts and differences of opinion on important facts, he thought that an adjournment was still more necessary than it had been before, and therefore he rose to move that question. One right honourable and learned gentleman at the head of the India Board, had declared that he conceived that when he drew the act of the 24th of His present Majesty, he had included murder, and that he now saw it extended only to misdemeanors. Another right honourable and learned gentleman had given a different opinion; and the Master of the Rolls had declared that it was murder or nothing. How to reconcile these contrary and jarring opinions, Mr. Burke said, he knew not. When the Lawyers rose in that House, he always expected to derive considerable advantages from their learning and talents; but that day, they had only loaded the House with bad reasons, and bad arguments, without a single case being adduced to support any one of their positions. The right honourable and learned gentleman who spoke last had boasted of his loving forms; if he did, sure he was, the respect for that House was not one of the forms he loved, since he had cast a slur upon the Commons of England, and upon their most important proceedings, thereby sullying the justice of the country, and stopping its course, by saying what the right honourable and learned gentleman was not warranted to assert. Mr. Burke reprobated the language which the Solicitor General held respecting the 13th article of impeachment, and pronounced it an outrage offered to the dignity of the House——

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The *Speaker* called Mr. Burke to order, informing him that he must not impute motives to any Member of that House for his conduct, which were not perfectly pure and honourable. The Speaker.

Mr. *Burke* answered, that no person could feel a greater inclination than himself to submit to the authority of the Chair; and so conscious was he of the propriety of its being strongly maintained, that he was willing that it should be so, though it were at his own expence. He conceived, however, that he had not violated order, in complaining that the right honourable and learned gentleman had given way to unbecoming language. Mr. Burke

The *Speaker* replied, that possibly he had mistaken the right honourable gentleman, but he thought he had heard him say the right honourable and learned Member's argument was "an outrage offered to the dignity of the House." The Speaker.

Mr. *Burke* asserted, that he had a right to declare that the loose language of the right honourable and learned gentleman, respecting one of the most important and solemn proceedings which an House of Parliament ever undertook, had a tendency to degrade its dignity. He condemned the conduct of the Solicitor General, in having cast a censure on any part of a proceeding which the House had authorized and instituted, declaring that if ever injurious words had been used respecting a proceeding of the House, the right honourable and learned gentleman had used them. He ascribed the right honourable and learned gentleman's conduct to the extreme penury of his argument, for more barren reasoning he had never heard. He had been in the habit of looking up to the Lawyers, as upon Members of that House who, from their learning and their professional talents, had a decided superiority over him; but the right honourable and learned gentleman had come down that day with bad argument, and still worse authority. Mr. Burke defended the charge, as being properly drawn, and in answer to the question, why he, knowing so much as he asserted he did of Captain Williams's criminality, had not brought the charge forward four years ago, he said, because Captain Williams was one among many myriads of the little and subordinate parts of a system of peculation, guilt, and oppression, which had originated in Warren Hastings; that it was natural to imagine, that the army of little vermin would have skulked in holes and corners, satisfied with their impunity from the public arm of vengeance, which had contented itself with selecting for its object the Captain General of Iniquity! It was not proper that those nails which appertained to the arm of public vengeance, and which were destined to tear asunder and separate the fibres of lions, should be used to rend the diminutive and Mr. Burke

petty carcases of rats and mice. Captain Williams, however, had dared to come forward, to take them by the beard; to confess his crimes, and to challenge their vengeance. Mr. Burke next proceeded to animadvert on the act of the 33d of Henry VIII. and in order to prove that it was applicable to the present case, and that British subjects committing murder on the subjects of foreign Princes without the realm, were liable to be tried for such offences capitally, in like manner as if they were British subjects, instanced the extent and operation of the act of the 28th of the same King, which gives a power to try for murder in English Courts all persons committing murder on the high seas. Mr. Burke said, the two statutes were worded in a similar manner, and proceeded in equal terms; it was, therefore, obvious that the 33d of Henry the Eighth was nothing more than an extension of the principle of the 28th of the same King. He stated that a man had been tried for piracy at the Old Bailey, under the 28th of Henry the Eighth, when Mr. Wallace was Attorney General, convicted and executed, and thence inferred that the act of the 33d of the same King might, in like manner, be extended to the case of Captain Williams *. In conclusion, Mr. Burke having expressed his hopes that the Chancellor of the Exchequer would again change his mind, and see the question in the same point of view in which he before beheld it, moved, "That the debate be further adjourned to "the ensuing Thursday."

Mr. Pitt. Mr. Chancellor *Pitt* remarked that he was, perhaps, of all others, the very last person who ought to rise to oppose the motion of adjournment, because he stood in the very singular situation of having so far profited by the last ad-

* The following is the Admiralty case referred to above:

"On the 1st of November, 1781, William Townsend was tried and convicted for the murder of Girardo Sylvestrini, master of a Venetian ship, the Vittoria; and the murder was laid in the indictment to have been committed "about seventy leagues from Cape St. Vincent, "in the kingdom of Portugal, in parts beyond the seas." In this case the fact was committed out of the King's dominions, in a part of the sea where His Majesty has no real or fictitious dominion, that being expressly limited by construction of law to the half-way space between this kingdom and Spain or Portugal; it was committed on the person of a foreigner not within the King's peace, the offender was tried on a statute of 28th Henry VIII. which simply gives jurisdiction in cases of murder upon the high seas, as the 33d Henry VIII. gives jurisdiction of murders committed in any place without the King's dominions, there being in neither of the two statutes any specification of foreigners or of His Majesty's subjects, as the persons on whose bodies the murders must be committed; and the Crown, by its own law officers, at the public expence, undertook the prosecution of Townsend, expressly because the offence was committed against a foreigner.

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journment, as upon due conſideration of the opinion which he then held, and the principles that he had laid down, to have found reaſon to change his mind, and think the principles in queſtion erroneous, and that there was no reaſon founded either in general policy or the particular caſe for the Houſe to appoint a Committee of Enquiry. He therefore ſhould certainly vote againſt the propoſed adjournment, meaning afterwards, if the queſtion of adjournment ſhould be negatived, to vote againſt the original queſtion. Indeed, he could not ſee any ſufficient reaſon for another adjournment of the debate, ſince there was no occaſion to go on with adjournments of the debate *ad infinitum*, becauſe the ſubject of it had now been ſo maturely conſidered, and ſo amply diſcuſſed, that no additional light could be expected to be thrown on it by a farther delay; nor did he ſuppoſe that the right honourable gentleman himſelf was extremely anxious that a farther adjournment ſhould take place, ſince he had already had the advantage, which, he believed, was the only object of the right honourable gentleman in ſtating his motion, an opportunity of making a ſecond ſpeech in the ſame day's debate. Having offered theſe obſervations preliminarily, the Chancellor of the Exchequer reminded the Houſe, that when the queſtion was laſt debated, he had carefully avoided entering at all into the merits of the caſe; but for the reaſons then ſtated, he had been willing to vote for the appointment of a Committee, reſerving to himſelf expreſſly the right of voting either for or againſt any ſubſequent proceeding that might be propoſed, as to his judgement upon fuller conſideration ſhould ſeem adviſeable. The queſtion had that day been ſo fully diſcuſſed, and ſuch a variety of different reaſons given by ſeveral high authorities in that Houſe, why it would be unneceſſary to go into an enquiry, that there was no occaſion for him to trouble the Houſe with much argument to that point. He would therefore confine himſelf to a few obſervations on what had fallen in the courſe of the debate. Mr. Chancellor Pitt then ſtated his reaſons for thinking that it would not be proper to inſtitute a criminal proceeding by giving directions to the Law Officers of the Crown to proſecute for murder, or to vote an impeachment for murder, to proceed by bill of pains and penalties, or to impeach for a miſdemeanor. He obſerved, that his learned friends had concurred in declaring that neither under the 33d of Henry VIII., nor any other ſtatute paſſed antecedent to the 24th of the preſent King, could Captain Williams be indicted for murder for the fact of having put Muſtapha Cawn to death: if, therefore, it had been uſual for that Houſe to impeach for capital crimes, which certainly it was not, it would be manifeſtly

abſurd to vote an impeachment for that crime, for which a proſecution or a capital nature could not be entertained in any of the ordinary Courts of Law. With regard to a miſdemeanor, his right honourable and learned friend near him, (Mr. Dundas) had clearly proved to his ſatisfaction, that no proſecution for a miſdemeanor could be legally carried on in the preſent inſtance, the 24th of the preſent King, which gave authority to try charges of miſdemeanor committed in India, in the Court of King's Bench in England, not having paſſed till 1784, and Muſtapha Cawn having been put to death in 1781. With regard to proceeding remedially, he agreed with his right honourable friend, that there was no power as the law now ſtood, for trying Captain Williams here for murder, and therefore it might be proper to make ſome proviſion proſpectively with a view to ſimilar caſes for the future. What might be deemed moſt adviſeable for the Houſe, it would be for them at that time to conſider; but, he ſhould ſuppoſe, if the province of Oude was in the unprotected ſtate deſcribed by the right honourable gentleman, the proper way of rendering crimes capital, that might be hereafter committed by Britiſh ſubjects in Oude, would be by granting ſome additional powers to the Britiſh juriſdiction exercifed in India, ſince, though it might prove adviſeable to try miſdemeanors committed in India in our courts in England, (the uſual mode of doing ſo being by written depoſitions taken in India) it had never been deemed right to try perſons accuſed of capital crimes on ſuch evidence as written depoſitions. That matter was, however, more fit for ſubſequent conſideration than at preſent. Having ſaid this, the Chancellor of the Exchequer argued to ſhew, that it would be more adviſeable to ground whatever additional powers might be thought neceſſary, rather on general principles of policy, and with a view to the future, than on the particular caſe of Captain Williams. He ſtated alſo, why he conceived a bill of pains and penalties an improper mode of proceeding in the preſent caſe. After reaſoning for ſome time upon all the modes of proceeding that had been alluded to, he took notice of Mr. Burke's argument relative to the act of the 28th of Henry VIII., which that gentleman had ſtated to run in nearly the very ſame form and words as the act of the 33d of the ſame King, and ſaid, he ſhould rather imagine the right honourable gentleman miſtaken, ſince the two acts were paſſed under ſuch very different views, and authorized trials for murder, under circumſtances materially different. The act of the 33d of Henry VIII., authoriſed trials for murder without the realm, as well as within it; and the reaſon why it was holden, that if putting Muſtapha Cawn to death was what it was ſaid to be, as qualified

within the 13th article of impeachment, an atrocious murder, Captain Williams could not be tried for it in England, because the fact was committed on the person of the subject of a foreign Prince in that Prince's dominions, over which the British laws had no jurisdiction, and therefore Captain Williams could no more be tried here for such a fact, than he could be tried here for the murder of a Frenchman in France, a Spaniard in Spain, or for the murder of the subject of any other foreign state within the dominions of that state. The 28th of Henry VIII., on the contrary, gave authority for trying persons for murders committed on the High Seas, no country having peculiar jurisdiction over the High Seas. With regard to the case alluded to by the right honourable gentleman, as having been tried within a few late years, he could not speak from his own knowledge, but he had been given to understand that the case was this: Mr. Townsend, the Captain of an English privateer, had stopped a Venetian vessel upon pretence of her having warlike stores on board, and finding none, wanted, nevertheless, to keep her as a prize, and therefore fired into her; in consequence of which one of the Venetians, Girardo Sylvestrini, was killed. The fact had been deemed a murder, and a jury had convicted Captain Townsend of that crime, for which he was executed. After stating these circumstances, the Chancellor of the Exchequer proceeded to notice what had been said of the arguments of his honourable and learned friends, and of the charge brought against them of having neglected their duty in not having themselves instituted a prosecution against Captain Williams. He defended them from the imputation of deserving blame on several grounds. In the first place, they had told the House that there was no authority given by any one statute to indict Captain Williams for murder, for having put Mustapha Cawn to death in the province of Oude. In the next, though the right honourable gentlemen who drew the 13th article of the impeachment, might have reason to suspect that Captain Williams was the person who committed the fact, his honourable and learned friends could not be supposed to know any thing about the matter till within these few days; and surely it would not have been respectful to that House for his honourable and learned friends to have instituted a criminal prosecution against Captain Williams, even if it had been practicable, pending the agitation of a question in that House for the institution of a Committee with a view to enquiry. Having explained this, the Chancellor of the Exchequer took notice of the argument of Sir John Scott, and declared that he subscribed to the same ideas with respect to inserting the name of Captain Williams in the 13th charge,

charge, and qualifying his conduct with the words atrocious murder, before the Managers were sure that Captain Williams was the person who actually put Mustapha Cawn to death. But nothing which his right honourable and learned friend had said, could, in his opinion, justify the hot, intemperate, and unparliamentary manner in which the right honourable gentleman over the way had thought proper to treat his right honourable and learned friend's argument. If any thing that had fallen from his right honourable and learned friend had warranted any observation, the only regular and parliamentary way would have been for the right honourable gentleman to have moved to take down his right honourable and learned friend's words at the time; and not having done so, the right honourable gentleman had violated the orders of the House by what he had said upon the occasion.

Mr. Fox. Mr. *Fox* said the right honourable and learned gentleman, the Solicitor General, had laid it down as a principle inseparable from all criminal prosecutions, that there must be an individual responsible to the party charged with a crime, to have his remedy against, in case he should be acquitted. So far from the law of England proceeding on this principle, he would join issue with the honourable and learned gentleman upon it, and maintain that the general principle of criminal prosecutions was, that there should be no individual so responsible to the party accused of a crime; and that whenever there was such a responsibility, which he was aware there was, and ought to be, in certain cases, that was an exception to the principle, and nothing more. In order to illustrate this argument, Mr. Fox said, he would remind the right honourable and learned gentleman, and the House, of several different species of criminal prosecutions. In all indictments for criminal offences, the indictments ran in the name of the King, and not of an individual, and where the party was acquitted under circumstances that entitled him to some remedy, he was obliged to find out who had been the real prosecutor, and to establish, that he was that person, by proofs that he had collected the evidence, paid the expences, and done such other acts as sufficiently shewed that the prosecution had originated with him. And the reason why the name of the King was always used, and that generally speaking no individual stood forward as prosecutor, was, that public justice might not be frustrated, because it often happened that men committed crimes which no individual might be willing to charge them with. Another mode of prosecution, which afforded the party prosecuted no remedy, was in the case of a Grand Jury presenting a bill of indictment themselves. The Grand Jury were sworn

ſworn to do their duty, and it was common for them to preſent Bills on their own motion; and yet it was notorious no action could lie againſt a Grand Jury. A third mode in which a party proſecuted had no remedy was in the caſe of impeachment by that Houſe. Would any man pretend, that if a perſon impeached by them were acquitted, he could bring his action againſt the Houſe of Commons? The ſuppoſition was too ſelf-evidently abſurd to be dwelt upon, and if he had a mind to go farther into the law of England, he was ſatisfied that he could convince any man who entertained a doubt of the fact, that the general principle of the criminal law was, that there ſhould not be any reſponſible individual proſecutor, and that whenever there was one, it was an exception, and not a principle. He put the caſe ſtated by the Attorney General, that if a man, holding his high office, exerciſed his authority either maliciouſly, wantonly, or from ſiniſter motives, and harraſſed the ſubject by groundleſs proſecutions. Suppoſing, for inſtance, that an Attorney General proſecuted Captain Williams, and Captain Williams was honourably acquitted, and the whole charge proved to be a ſcandalous calumny. Captain Williams, in that caſe, might apply to that Houſe for a remedy, and deſire that the Attorney General might be impeached. The Houſe poſſibly might anſwer, "we admit that you have been extremely ill uſed, your character has ſuffered ſeverely, your fortune has been injured, and all without any apparent reaſon. But your caſe does not affect the State or its intereſts, and it is our duty as a Houſe of Parliament to conſider the good of the State chiefly, and to proceed to impeachments only on great and important national queſtions." What remedy would Captain Williams in that caſe obtain? If it had been a principle of the law of England that in all caſes of criminal proſecution there ſhould be an individual proſecutor reſponſible, that proſecutor would, in all caſes, have been apparent, whereas the fact was notoriouſly otherwiſe. Mr. Fox next juſtified the manner in which his friend Mr. Burke felt what had fallen from the Solicitor General relative to the impeachment of Mr. Haſtings, and addreſſing himſelf perſonally to the Solicitor General and Chancellor of the Exchequer, complained of the uſage which the Managers of that proſecution experienced almoſt daily, being not only libelled in pamphlets and newſpapers, but repeatedly cenſured for their conduct by the Members of that Houſe. Having been directed by that Houſe to carry on the proſecution, they ought therefore to be ſupported by that Houſe; and they were, in an eſpecial manner, entitled to the protection of the right honourable gentleman, ſince he had declared there was a neceſſity for the impeachment, and given it his

countenance

countenance in the firſt inſtance. He lamented that the right honourable gentleman had changed his mind reſpecting the propoſed enquiry on the preſent occaſion, becauſe the arguments uſed in a former debate by that right honourable gentleman had directly coincided with his own ſentiments. To one of the ſtrongeſt of thoſe arguments he did not recollect that the right honourable gentleman had that afternoon given an anſwer; what he alluded to, was a declaration of the right honourable gentleman, that if there was no ſtatute under whoſe authority gentlemen of the learned profeſſion were inclined to think that Captain Williams could be tried at common law, that was an additional reaſon to induce Parliament to take up the matter, and ſupply the defect in the criminal laws. Mr. Fox added, that he certainly had his doubts reſpecting the 33d of Henry the Eighth, as to its applicability; but thoſe gentlemen who concluded that thoſe doubts were adverſe to the preſent motion were miſtaken; they were rather favourable to it. At firſt, he owned, he had imagined that the 33d of Henry the Eighth was not applicable to the caſe of Captain Williams; but having, in conſequence of the adjournment of the debate, had an opportunity of adverting to the act, and conſidering it, he was inclined to think it might apply; nor could he agree that the 33d of Henry the Eighth was the firſt time that murder without the realm was triable. Murder abroad might, before that period, be triable in Courts of Chivalry, and ſuch other Courts as had, in earlier periods of our hiſtory, been in exiſtence; ſo that the 33d of Henry the Eighth might only mark the time when murder, under ſimilar circumſtances, was conſtituted a capital crime by ſtatute. He had his doubts, therefore, whether the 33d of Henry the Eighth was not applicable to the preſent caſe; at the ſame time it would be fair to confeſs that he had his doubts alſo the other way; and although it was furniſhing an argument againſt himſelf, he would ſtate what thoſe doubts were grounded upon. It was this: Whoever looked to the 33d of Henry the Eighth, would find the word treaſons coupled with the word murders all through the act; as treaſons clearly could only mean treaſons againſt our Sovereign Lord the King, it was fair to ſuppoſe that the murders mentioned in the ſame act muſt be intended to deſcribe the murders of the ſubjects of the King. Mr. Fox reaſoned on this for ſome time, and preſſed it as an additional argument for going into the enquiry, which would enable them to aſcertain that, among other important facts neceſſary to be inveſtigated. After retorting the Chancellor of the Exchequer's complaint againſt Mr. Burke, by aſking how far calling a gentleman's manner unparliamentary, and terming his language hot and intemperate, was reconcileable with

with good manners? Mr. Fox concluded with declaring, that he should adhere strictly to his former opinion, and vote for the question of adjournment.

The *Solicitor General* expressed his persuasion that the right honourable gentleman (Mr Fox) could not have understood him so as he had represented him; he could not have thought him so ignorant, and he was sure the right honourable gentleman had too much candor not to acknowledge that he did not, nay, that he could not, have laid it down as an invariable principle, that in all cases of criminal prosecution there must be an individual who should be responsible to a defendant in case the prosecution should turn out to have been malicious, and without grounds. What he had said was no more than that Captain Williams ought to have some person to look up to for redress, if he were tried and honourably acquitted. And undoubtedly, if any persons applied to the Lords of the Privy Council, and called upon them to institute a criminal prosecution, and upon the trial it should turn out that the whole accusation was a foul and unmerited calumny, the individual so injured might bring his action against the persons who applied to the Lords of the Privy Council, and he would undoubtedly recover damages. The Solicitor General next proceeded to notice the manner in which his former argument had been treated by Mr. Burke and Mr. Fox, and complained of having been undeservedly arraigned as intending to reflect on the Managers of the impeachment now prosecuting against Mr. Hastings. He declared that he had not intended the smallest offence whatever against the Managers or personally to any gentleman present; possibly his observations might as well have been spared, but he had addressed it to the House, and he must beg leave to persist in it. Standing in the situation which he had the honour, unworthily, to hold, he might reasonably be supposed not likely to talk in that House upon subjects of law loosely, or without due consideration of what he was about to say. He had too much respect for the House ever to proceed to such lengths. No man more detested libels in pamphlets and newspapers than he did; but was the circumstance of a Member of that Assembly, humbly and respectfully addressing himself from his place to the House itself on a great and important Parliamentary subject, at all similar to filling the town with libels in pamphlets and newspapers? He must therefore be permitted to repeat, that if the House was not in possession of proof that Captain Williams was the man who put Mustapha Cawn to death, at the time they carried up the thirteenth article of impeachment, they ought not to have let the name of Captain Williams stand in the article annexed to a charge, qualified with the name of an atrocious murder. The circumstance of Captain

Solicitor General.

Williams having recently come forward and avowed that he was the man who caused Mustapha Cawn's head to be cut off, was no justification of the House for having, four years ago, voted the article so drawn. Sir John Scott said, he had to beg Captain Williams's pardon for his share in the proceeding; he had, he confessed, long felt that, as an accessary to that fact, he had acted unguardedly and unjustly to Captain Williams, and he lamented that he had done so.

Mr. Chancellor *Pitt* again begged leave to remind the House, that he had distinctly stated that he had reason to express his satisfaction at the former adjournment of the debate, since it had enabled him to see that the principles he had laid down, the arguments he had urged, and the opinion he had stated, were erroneous, and that the instituting an enquiry would be fruitless and nugatory. He had therefore, in his former speech, declared, that he abandoned them altogether, and as the House ought not, out of respect to its own dignity, to enter into any fruitless proceeding, he should give his vote against the appointment of any Committee, admitting, at the same time, that it might be proper to look to a remedial correction of the defect, with a prospective regard to the future.

Mr. Francis.

Mr. *Francis* said, that he could not prevail on himself to agree to the motion for another adjournment, proposed and supported by two of his right honourable friends. It was a wise and salutary rule in our Courts of Justice, when the pleadings and evidence were once heard, not to suffer the Jury to separate before they had given a verdict, and he wished that the same rule had been observed in the House of Commons. The first impression which this affair had made on the mind of almost every man in the House, when the former debate ended, was the true and genuine impression that resulted from the merits of the case. If the question had been put then, he was sure there would not have been six voices against it. But the Court had separated without deciding. The members of it had gone abroad, had listened to other arguments, to extrajudicial evidence, and now they came back to give their final opinion, with impressions on their judgement totally different from those which they had received from the debate, and which they had carried with them out of Court. He had suffered too much already by one adjournment to consent to a second. He had lost His Majesty's Chancellor of the Exchequer, who had declared positively for an enquiry. He had lost His Majesty's Secretary of State, who had declared positively for an enquiry. The Solicitor General had very truly acknowledged, that on the former day *it was the general inclination of the House to adopt the motion.* But of all his losses, that which he admired the

the most and lamented the least, was the life of the honourable Major's support. After all they had heard from that gentleman, after all the eagerness he had expressed to promote an enquiry into the merits of Captain Williams's conduct, it certainly was a circumstance to be admired, that every argument he now used was calculated to resist and defeat the motion. This circumstance, however, he lamented very little, as he was sure he should have the honourable Major's vote, if the question should go to a division. That this gentleman had produced a very extraordinary proof of the Nabob's independence, at the time when he was supposed to have issued a purwanna to Colonel Hannay for the execution of Mustapha Cawn, that is, in September 1781; viz. that in October, 1776, the Governor-General and Council had informed Colonel Goddard, who commanded the troops under British officers in the Nabob's service, that when Courts Martial were held for the trial of native officers and Sepoys belonging to those troops, he need not transmit copies of the proceedings to Calcutta, *as the Nabob was the only fountain for the distribution of justice to his own subjects.* So he was in 1776 —So he ought to have been at all times. But did it follow that he must have been equally free and independant in 1781? The contrary was notorious. Another honourable gentleman, (Mr. Vansittart) who certainly had not gone to India for nothing, who had picked up great knowledge, and brought home some excellent principles from that country, had roundly asserted, that the vassalage of the Nabob of Oude to the British power, was to be solely attributed to a measure which took place in 1775, and to which Mr. Francis had been a party, viz. the resolution of the Governor-General and Council to lend the Nabob a certain number of British officers to discipline his troops. Mr. Francis, on the contrary, affirmed that the Nabob was still free, and might have continued so, but for a subsequent measure adopted and carried by Mr. Hastings in 1777, against the strongest opposition which Sir John Clavering and he had been able to make to it. The merits of this measure had been fully discussed in the printed proceedings of the Governor-General and Council of the 5th of May, 1777, the whole of which were very curious, and deserved the special attention of the House. His own final opinion of it had been recorded in the following words: "I conceive it to be impossible that the "Nabob, or any Prince, whose understanding is capable of "forming the idea of independence, can give a voluntary "consent to a measure which dethrones him. Nothing is "left for me, however, but to protest against it."

Mr. Francis, then addressing himself to the Crown Lawyers, observed, that whereas it had been urged by them that

penal ſtatutes ought to be conſtrued ſtrictly, he fully aſſented to that propoſition; but he inſiſted that the learned gentlemen did not adhere to their own rule, when they maintained that the preſent caſe did not fall within the intent and meaning of the ſtatute of the 33d of Henry the Eighth. This ſtatute ſays, "*all* murders within the King's dominions or "*without*," not a word of Britiſh ſubjects. What right have the lawyers to ſay that none but Britiſh ſubjects were intended? What right have they to a particular conſtruction of general words? Is not the killing a foreigner as much a murder as any other? But it is ſaid, that no man has yet been tried for the murder of a foreigner under that ſtatute. Perhaps, in fact, it may be ſo. Perhaps the caſe never occurred. But does it follow that becauſe you may never have had the ſame occaſion which you have now to reſort to this ſtatute, you may not reſort to it when the caſe occurs? It could not in the nature of things be a ſtatute much in common uſe. There was another ſtatute of the 28th of the ſame King, againſt piracy, the words of which were exactly the ſame with that of the 33d. Yet, under that of the 28th, William Townſend had been tried at the Admiralty Seſſions on the 1ſt of November, 1781, for the murder of Gerrardo Silveſtrino, maſter of a Venetian ſhip, about ſeventy leagues from Cape St. Vincent, and ſtated in the indictment to be in the dominions of Portugal; and for this murder of a foreigner, on the high ſeas, *without* the King's dominions, the murderer had been convicted and executed. He challenged the lawyers to ſtate, if they could, any difference between the two ſtatutes, as to the point in queſtion. The Attorney General had aſked, with great gravity, how would it be poſſible for him to frame the indictment; how could he inſert in it thoſe eſſential words, "*againſt the peace of our Sovereign* "*Lord the King?*" and this had been inſiſted on as a grand inſurmountable difficulty. Unlearned as he was, he would undertake to give thoſe learned perſons the information they wanted. Firſt then, he informed them that thoſe words, though uſual, were not neceſſary in an indictment. Had they ever heard of Hawkins's Pleas of the Crown? He underſtood it was a book of great authority. Would they liſten to it; would they ſuffer their learning to bend to it? The words of Hawkins are, "It hath been *adjudged* not to be ne"ceſſary in an indictment of death, to alledge that the perſon "killed was in the peace of God and of our Lord the King, "&c., though ſuch words are commonly put into indict"ments; for they are not words of ſubſtance." As to the clauſe that the act done was *againſt the peace of the King*, the ſame author ſays that "there are four precedents without it "in Coke's Entries, two of them for different homicides, and "that

"that *Rastall's Precedents*, both of indictments of felony, and
"of inferior offences, do as often omit the words *contra pacem*
"as make use of them."

Neverthelefs, said Mr. Francis, if the Attorney General still thinks that the words *against the peace of the King*, are indispensable, I take it upon me to inform him, that they may be made use of, not only without violence to, but in the fairest construction of the statute. Every thing created by that statute for the trial of murders committed *without* the King's dominions is founded on a legal fiction, a wise, a useful, and a salutary fiction of the law, for securing the great end of justice, namely, that the crime, though in fact committed on the other side of the globe, was supposed, and taken to be committed in some county of England. This was the direct and avowed fiction of the law itself; but the moment it was admitted that the act in question was done in a county of England, it followed of course, it was a consequence unavoidable, that the crime was against the peace of the King, and all the pretended difficulty about framing the indictment was annihilated.

Another learned gentleman had observed, that there was no occasion for a Committee of Enquiry, since we were already in possession of all the facts.—True, we were so; but how? as individuals only. The House had not the information before them in such a form, as to enable them to proceed against Captain Williams, even if they thought it ever so proper to do so. His petition, containing an acknowledgement and justification of the act in question, was not before the House. Suppose it should be thought right to go no farther than barely to amend the law, and to provide against such cases in future, how could they do even that, how could they provide a distinct appropriated remedy against similar offences, if they had not in their view the circumstances of the present offence, and the principles on which it was defended? A Committee of Enquiry would bring the petition before them in the only way, in which they could take cognizance of it.

Another learned gentleman (Sir John Scott) had stated broadly, and staked the whole credit of his learning upon the truth of this proposition, that it was the fundamental principle of the Criminal Law of England, that prosecutions should be conducted by individuals, in order that the party, if acquitted, might have his action for damages for a malicious prosecution. I believe I need not remined the House of the benevolent purpose for which that monstrous doctrine was maintained, nor how the doctrine itself has been blasted and extirpated by the superior learning of my right honourable friend. But, admitting I were disposed to take upon me

a public

a public duty, which properly belongs to the law officers of the Crown, will the learned gentleman tell me how an individual is to proceed under the statute of Henry the Eighth?—It speaks of the King's Council! Certainly not as private persons. But the encouragement he holds out to me to perform a public service, in which I have no more concern than any other member of the community, but which he is paid for, is, that if I fail, I shall be liable to an action for damages. On the other hand the consolation he holds out to Captain Williams, to a man who professes to look for nothing but the clearance of his character and honour, is, that he will have a good chance of recovering a sum of money out of Mr. Francis's pocket. If it were possible for Captain Williams to take such a hint, and to follow such advice, it would be as silly a step as it would be in him dishonourable. For what damages would a Court of Justice give to a man for a prosecution undertaken at his own earnest desire, and to answer a purpose, which the object of it thought would be beneficial to himself? That learned gentleman had taken upon him to fling out many irregular, unparliamentary declarations reflecting on the acts and proceedings of the House, as if the House had acted in a manner grossly injurious to Captain Williams in charging him, as they had done in the 13th article of the impeachment, with an atrocious murder. Why? Because at that time, they did not know with absolute certainty, that Captain Williams was the person, and, in that uncertainty, had stated the charge doubtfully between him and some other British officer. Sir, the fact is, they knew with sufficient certainty who the person was, though they thought it right to leave the averment in that technical form *ex abundanti cautelâ*, and for no other reason. But, if the House had done wrong, no Member of it had a right to fling out insinuations or reflections upon any act of theirs. If he thought the case deserved censure, he ought to move for a revision of the article in question, and make a formal proposition to correct it. This he had been repeatedly challenged and defied to do, but in vain.

Mr. Francis concluded with saying that, as to the present case, he had done enough, and would do no more. If the world should be of opinion that the cause of public justice is deserted, let it rest with the great inquest of the nation, which refuses to inquire. Let it rest with the Executive Government, which refuses to execute the laws. Let it rest with the Law Officers of the Crown, who are bound, *ex officio*, to inform against crimes. They, who have the power, are vested with the trust. Their duty is implied in their station. They have no right to expect that individuals should perform it for them. The fate of the motion, I see, is

is decided. Nothing is left for me, but to lament, as I do with the deepest concern, that it should be in the power of so very little law, to get the better of so many motives of policy, justice, and benevolence as belongs to the present question, and have been urged in support of it without the shadow of a reply.

Major *Scott*, rising next, observed, that as he was called upon by the honourable gentleman to say a few words, he begged leave to assure him that he meant to vote with him for a Committee, from a conviction that the more Captain Williams's conduct was enquired into the more it would be approved, and he was in the judgement of the House, whether his arguments had not been precisely the same on each day's debate. He was astonished the honourable gentleman could so misrepresent plain transactions. He knew that the Government of Bengal had never interfered with the Nabob of Oude in the administration of criminal justice; the honourable gentleman knew that himself and the whole Board wrote to Colonel Goddard, that they could have nothing to do with the administration of justice in the Nabob's dominions; and he knew, that however dependent the Nabob was upon us, or whatever subsidies he paid for troops to defend his dominions, he would not permit even Mr. Hastings to interfere in criminal cases. He defied the honourable gentleman to produce one single instance of our government's interference. He would not follow his advice in establishing Courts of Justice, and by the papers upon the table, it appeared that Lord Cornwallis would not interfere in the internal government of Oude; but there were twelve battalions of sepoys in the Nabob's dominions under British officers. The very same thing that happened with Captain Williams might occur again. A force might be detached to Gorrucpore; that country might again be in rebellion, as it had often been; a prisoner might be confined, under sentence of death, in the fort of Gorrucpore, and an order might be sent for his execution; and, the Major said, he would put it to any military man, whether, if a British officer commanded in the fort, the order must not be issued through him. Such was the case with Captain Williams, who had nothing to do, directly or indirectly, but to order the execution when the command came from an authority he was bound to obey. Would any officer or any Member say, that a murder was committed in America, every time a man was hanged for plundering, or breaking his parole, without having undergone the form of a trial? A war existed in America, a rebellion existed there; that would be a sufficient answer, and so it was in the case of Captain Williams. A rebellion existed, a man whom he received under sentence of death, was

Maj. Scott

ordered to be executed by an authority competent to iſſue ſuch an order; and Captain Williams obeyed it.

Mr. Burke Mr. *Burke* roſe, and there was a loud cry of queſtion! queſtion! whereupon Mr. Burke ſaid, he was aware that he had treſpaſſed ſufficiently on the patience of the Houſe already, and that he merely roſe to deſire gentlemen not to leave the Houſe as ſoon as the diviſion ſhould be over, as he felt it abſolutely neceſſary, after having heard ſome things that had paſſed in the debate that day, to ſubmit certain matters to the conſideration of the Houſe before they parted.

The queſtion of the adjournment was negatived, after which the main queſtion was put, and Mr. Burke divided the Houſe, when the numbers were,

Ayes 22: Noes 61.

Mr. Burke As ſoon as the Houſe was reſumed, Mr. *Burke* called upon the Solicitor General, to know if he thought the part of the introduction to the 13th article of the impeachment, which mentioned the name of Captain Williams, and qualified his conduct with the words "atrocious murder," an injury to Captain Williams, to move to have the article taken off the file, and that thoſe words ſhould be expunged. Mr. Burke complained of the injuſtice done the Managers of the proſecution of Mr. Haſtings, by gentlemen of great weight and authority in that Houſe, having, in the firſt inſtance, neglected to attend their duty when the articles of impeachment were originally drawn, and thus withholden the aſſiſtance which their great abilities might have afforded, and then coming down at the end of four years, and cenſuring thoſe articles. Mr. Burke repeated his appeal to the Solicitor General, and added likewiſe an appeal to the candour of the Houſe, calling upon them, if they had changed their opinion reſpecting the impeachment, or any of the articles, manfully to avow it, and act accordingly

Mr. Pitt. Mr. Chancellor *Pitt* moved that the other orders of the day be read.

Mr. Fox. Mr. *Fox* urged the treatment which the Managers of the proſecution experienced, as unparalelled in any period of our Hiſtory, declaring that it was ſo illiberal, that he could not bear, in his own mind, to think he treated any gentleman, or ſet of gentlemen, in the ſame manner, and that in his opinion, it was ſuch as neither that Houſe, nor any public body, had a right to impoſe on any ſet of men whatever.

Mr. Courtenay Mr. *Courtenay* wiſhed, before the queſtion was put, to ſtate, that in conſequence of an honourable friend of his being obliged to be abſent the next day, he was under the neceſſity of ſtill farther poſtponing his intended motion relative to the Ordnance.

Mr.

Mr. Chancellor *Pitt* desired, if it were possible for the honourable gentleman to guess, when he should be able to fix a certain day for his intended motion, that he would be so good as to name it. Mr. Pitt.

Mr. *Courtenay* answered, that it depended altogether on the right honourable gentleman himself to name the day; for the right honourable gentleman had threatened if he, Mr. Courtenay, attempted to bring it on as next day, that he would oppose it. Now he had endeavoured to accommodate the right honourable gentleman, the right honourable gentleman was dissatisfied, which was the more extraordinary, as he had given so good a reason for postponing his motion, the unavoidable absence of his honourable friend. Mr. Courtenay

Mr. Fox and some other gentlemen wishing the day to be named, Mr. Courtenay named Wednesday three weeks. The orders of the day were then disposed of, and the House immediately adjourned.

Tuesday, 30th March.

No material debate occurred.

Wednesday, 31st March.

Mr. Dundas moved, "That the order of the day for the "House to resolve into a Committee of the whole House to "take into consideration the various papers then on the "table relative to the finances of the East Indies, might be "read;" and the same having been read accordingly, he next moved, "That the Speaker do now leave the chair," which motion having been carried, Mr. William Boughton Rous took his seat at the table.

Mr. Dundas rising again, entered upon the following statement of the East-India Budget, which we here submit to the attention of our readers.

	Current Rupees at 2s.	L. sterling.
The surplus of last year	—	1,284,440
By the statement of this year	—	1,700,000
BENGAL.		
Revenues were estimated, for 1787-8, at - -	5,06,48,906	5,064,890
Actual collection - -	5,18,27,117	5,182,711
Revenues more than estimated by	11,78,211	117,821
Revenues for 1788-9, were estimated at - -	5,44,01,481	5,440,148
Actual receipt - - -	5,61,99,942	5,619,994
Excess above estimate - -	17,98,461	179,849

	Current Rupees at 2s.	L. ſterling.
Charges for 1788-9, eſtimated at	2,94,57,918	2,945,792
Actual amount - -	3,18,32,505	3,183,250
Exceſs of charges -	23,74,587	237,548
Exceſs of revenues - -	17,98,461	179,846
Difference -	5,76,126	57,612
Revenues for 1789-90, eſtimated at - - -	5,60,93,971	5,609,397
Charges, ditto, ditto -	3,16,26,270	3,162,627
Surplus -	2,44,67,701	2,446,770
Nearly the ſame as the actual ſurplus of 1788-9, which amounted to - -	2,43,67,437	2,436,743
Revenues of 1786-7 were -	5,09,44,064	5,094,406
Ditto 1787-8 - -	5,20,28,527	5,202,852
Ditto 1788-9 - -	5,61,99,942	5,619,994
Average of thoſe three years -	5,30,57,511	5,305,751

MADRAS.

	Pagodas at 8s.	L. ſterling.
Groſs revenues on an average, of the years 1786-7, and 1787-8*	27,95,912	1,118,364
Groſs collections of land revenues and cuſtoms for 1787-8 † -	17,28,215	691,286
Nett ditto for 178[illegible]-9 † -	18,11,1[illegible]	724,448

* Including the ſubſidies of the Nabob of Arcot, and the Rajah of Tanjore.

† Excluſive of thoſe ſubſidies.

Groſs revenues for 1788-9, ſtated laſt year at - -	33,96,133	1,358,453
And the charges at -	32,76,219	1,310,487
Leaving a ſurplus of -	1,19,914	47,996
Revenues (excluſive of charges and collection) eſtimated for 1788-9, at - -	31,07,478	1,242,991
Actual amount - -	30,33,072	1,213,229
The difference is -	74,406	29,762

Charges

	Pagodas at 8s.	L. sterling.
Charges (exclusive of revenue charges) estimated to amount to - - -	29,87,564	1,195,025
Actual amount - -	32,55,093	1,302,037
Making a difference of pagodas	2,67,529	107,012
By adding deficiency of receipts to excess of charges, actual accounts appears worse than the estimated one by -	3,41,935	136,774
Excess of charges —	2,22,021	88,808
Deduct charges of taking possession of the Guntoor Circar -	1,79,106	71,642
	42,915	17,166

BOMBAY.

	Bombay Rupees 16 per cent. better than current.	L. sterling.
Revenue for 1789-90, estimated at — —	11,91,627	138,228
Charges, ditto, ditto -	49,02,676	568,710
Revenues more than last year's estimates, - -	17,489	2028
Charges less, - - - -	152,541	17,695
Difference -	1,70,030	19,723

BENCOOLEN and PINANG.

	Dollars at 5s.	
Bencoolen revenues, on an average of the years 1784-5, 1785-6, and 1786-7 - -	10,177	2529
Ditto, on an average of 1785-6, 1786-7, and 1787-8 -	11,024	2756
	Current rupees at 2s.	
Expences of Bencoolen and Pinang, stated last year at -	600,000	60,000
Estimated for 1789-90, -	6,50,000	65,000

GENERAL VIEW.

	Current Rupees at 2s.	L. ſterling.
Net revenues ſtated laſt year at	—	1,516,119

Actual Revenues of 1788-9.

Bengal current rupees -	5,91,99,942	5,619,994
Madras (net land revenues only) pagodas — -	30,33,072	1,213,229
Bombay, per eſtimate 1789-90, rupees - -	11,91,627	138,228
Total revenues - -		6,971,451

Actual Charges, 1788-9.

Bengal current rupees	318,32,505	3,183,250	
Madras (excluſive of revenue charges,) pagodas -	32,55,093	1,302,037	
Bombay per eſtimate, for 1789-90, rupees - -	49,02,676	568,710	
Total charges - - -			5,053,997
Net revenues - -			1,917,454
Expences of Bencoolen and Pinang -			65,000
Net revenue, after defraying every expence of eſtabliſhment - - -			1,852,454
Exceeding the ſurplus of 1787-8, as ſtated laſt year by 336,335l.			
Add amount of import of ſales and certificates, as per account, No. 15 -			295,361
Making in all -			2,147,815

DEBTS.

	Current rupees at 2s.	L. ſterling.
Debts ſtated laſt year at -	7,60,47,548	7,604,754
—— this year - -	6,50,13,858	6,501,385
Decreaſe -	1,10,33,690	1,103,369
Amount of debts bearing intereſt	5,26,06,727	5,260,672

Current

	Current Rupees at 2s.	L. sterling.
Current rupees 17,88,982 ought to be deducted, having been transferred since 30th of April, 1789.		
Amount bearing interest stated last year - -	5,77,62,448	5,776,244
Decrease of debt bearing interest	51,55,721	515,572
Interest payable in India stated last year - - -	48,07,019	480,702
Ditto on sum above - -	43,84,263	438,426
Decrease of interest -	4,22,756	42,276
Deduct the interest payable in India from the surplus before stated, the net surplus is -	—	1,709,389
Amount of debts in India 30th of April, 1788, (No. 7.) -	8,19,46,053	8,194,605
Add debts at Bencoolen not included in that account -	6,79,828	67,893
Arrears of Southern army -	5,80,000	58,000
Total of debts in India, 30th April, 1788 -	8,32,05,881	8,320,588
Deduct certificates not issued, (No. 16) - -	28,94,532	289,453
Debts on 30th April, 1788 -	8,03,11,349	8,031,135
Debts 30th April, 1789, (No. 16)	6,68,02,840	6,680,284
Decrease of debts between the 30th April, 1788, and 30th April, 1789 - -	1,35,08,509	1,350,851
Deduct for what was subscribed between the 30th April, 1788, and 30th April, 1789, amounting to - -	89,75,898	897,589
Leaving the decrease debt above the amount transferred -	45,32,611	453,261

Appro-

Appropriation of the Surplus of 1788-9.

Amount of ſurplus before ſtated	-		£.2,147,815
Intereſt to be paid thereout	-		480,702
Net ſurplus	-		1,667,113
Prime coſt of cargoes for Europe, 1788-9 - - -		£.1,015,642	
(No. 9, 24th March)			
Supplies to China in ditto	-	132,695	
No. 2, 24th March)			
Commercial charges (No. 10) at		109,472	
Debts paid in the year	-	453,261	
		£.1,711,070	
Deduct bills drawn on the Court of Directors, not included	-	33,688	
			1,677,382
Difference only	—		£.10,269

Mr. Dundas imputed the exceſs of the revenue of Bengal for the laſt year, compared with that of former years, to the increaſe of the land revenue, and the article of revenue on ſalt, relative to which latter, he ſhould have ſomething more to ſay before he ſat down; with reſpect to the total amount of revenue of any one year, it would unavoidably happen in Bengal, as well as in every other country, that there would be greater or leſs arrcars on the collection every year, and the collection of the next year would neceſſarily be made up with more or leſs of the arrear of the year preceding; but, this laſt year, as much had been collected, no matter how compoſed, as was equal to a complete collection of the whole actual revenue for one year; a circumſtance well worthy of remark, inaſmuch as it proved that the country could bear the whole of the burthen laid on them, and afforded evidence, alſo, that it was a moderate aſſeſſment; out of which circumſtance, expectations might reaſonably be grounded, that in a few years, if no particular occurrence happened to occaſion a ſudden change, the inhabitants of Bengal would be able to pay off all their arrears, and thoſe provinces be in a more flouriſhing ſtate than any other on the whole Continent of Hindoſtan.

Having dwelt momentarily on the ſeveral heads of the ſtatement relative to Bengal, by way of explaining and illuſtrating the grounds on which they reſted, Mr. Dundas ſaid, the next object was the Preſidency of Madraſs, the revenues and charges of which he ſtated.

Having premised that it was evident from the Madras statement, that the charges exceeded the revenues, Mr. Dundas observed that one part of this excess was owing to the charges of some military preparations which had been necessarily made, in consequence of the alarm that, the House would remember, rendered it necessary for this country to prepare her dominions every where for defence two years ago, and the account of which had not arrived at Bengal, when the accounts were made up for transmission to England early in the last year, and which therefore, properly speaking, belonged to the account of the year 1787-8. It was his duty, however, to state here, that he did himself suspect that the estimate of the Madras revenue was not such as ought to be relied on; and the Committee would recollect that when he moved the resolution last year, relative to Madras, he had stated that he doubted much whether the estimate was not taken too highly, and one reason why he was inclined to think so was, because he knew the estimate was said in Madras itself to be too high; and there were other reasons which inclined him to suspect its authenticity. This, however, proved the great utility and advantage resulting from the finances of India, and our possessions there being annually detailed and submitted to the discussion and examination of that House in the manner in which they were then employed. It could not but make the Company's servants abroad extremely careful in forming the accounts they transmitted home, since they now knew that it was not by those merely whose duty it was peculiarly to superintend and controul the administration of East-Indian affairs, that those accounts were seen and examined, but by the constitutionally jealous and searching eye of Parliament. Though the Madras revenue, however, was not as yet quite adequate to the expences of all its charges, he had little doubt but that, either by an increase in its revenues, or a decrease in its establishments, it might be rendered adequate. As to the Bombay accounts, not having received any estimate from thence for this year, he had been obliged to form an estimate, grounded on the estimate of the last year, and the best information which he could obtain.

In the statement of the Bencoolen and Pinang settlements, Mr. Dundas pointed out a difference of 5000l., which he had given in the estimate of last year, from what had proved to be the actual expenditure. Having gone through the statement of the revenues and the expenditure of each settlement separately, remarking upon the peculiar circumstances of each as he proceeded, and referring the Committee, as occasion required, to the various printed papers before

fore the House, from No. 1 to No. 17, he collected together all the different totals of each separate settlement, and all the charges of each under one general point of view.

Mr. Dundas having explained how the debt, from time to time, altered, and why it remained as he had stated it to be, remarked, that an honourable gentleman, Mr. Hussey, when he had every year stated what the surplus was, had generally said, " if there be that surplus which you state, what becomes of it?" He should therefore, on the present occasion, anticipate any such question, being fully satisfied that he could very nearly account for the whole it. He now stated the appropriation of the surplus of 1788-9.

Mr. Dundas having declared that he flattered himself that to account for the appropriation of a surplus of so large an amount within so small a sum, comparatively speaking, as 10,000l., would be considered as a circumstance which must prove satisfactory to the honourable gentleman opposite him, Mr. Hussey, and to the Committee in general, expressed his hopes that, from the statement which he had that day given, the Committee would be of opinion that the finances of India were in a most flourishing situation, and he had every reason to believe that they were likely to be improved still more. If he asked whether he thought the present revenues could be permanent, he would say in answer, that so far as belonged to the land revenue, he was satisfied they would; the settled establishment Lord Cornwallis had effected, promised every prospect of permanency, and he might add, of improvement and increase. (Mr. Dundas, in the course of his speech, read various extracts from the letter of Lord Cornwallis, dated August 2, 1789, to elucidate and support his reasoning.) If a similar question were put to him with regard to the expected permanency of the salt revenue, he would not be so uncandid as to answer in the same way. He did not believe that the same high revenue as had, this last year, been collected from the salt duty, would continue; and to say the truth he could not wish it. Its increase the last year, must have arisen from one of two causes; either from the great increase of population, or from the high price of the article. The first must have been so sudden, that he could not imagine it was the occasion; and if the last was, he must deplore it, because the diet of the natives, (the body of whom are of the Gentoo race) was chiefly confined to rice and salt, and consequently with them, salt was a necessary of life. If, therefore, the great increase had originated in the high price of salt, he could not wish it to continue, but should think that the loss of 100,000l. or 150,000l. of revenue was a sacrifice well made, and the object worthy of the price which it was given to

purchase, being nothing less than the happiness and comfort of the people. He was happy to have it in his power to add, that Lord Cornwallis seemed to have seen this as strongly as he did, and to coincide fully with him in opinion upon the subject, since, in his letter, the noble Lord had pointed out the lowering the price as an object equally desirable and necessary, even at the expence of some revenue. Such a decrease of revenue, however, need not alarm the Committee, since it might be easily supplied by savings capable of being made in our establishments in Madrass and Bombay. He desired, nevertheless, not to be understood as speaking with a view to the decrease of the salaries of persons serving in India. By the system of abolishing perquisites much good had been effected, but not without great difficulty. It was by no means easy to penetrate the obscurity, and trace out the darkness of unknown emoluments. The work, however perplexing and arduous, had, by this time, and by the wisdom and assiduity of the government in India, been chiefly, if not completely, performed. Fixed salaries were now universally given, and Lord Cornwallis had written home word, that they could not be reduced lower with any sort of propriety. He concurred fully with the illustrious character at present at the head of the government of India. Undoubtedly, gentlemen who spent the best part of their lives there, ought to have salaries sufficiently ample to enable them at length to return home, and pass the evening of their days in their own country in ease, comfort, and happiness. Those servants of the Company, especially, who held high and distinguished situations in India, were entitled to splendid provisions for their services. Nor was such an expence unwise; what the Company paid in that manner, was publicly paid; it was seen, felt, and understood. When he mentioned a reduction of establishments, therefore, he begged the Committee to consider them to be of a very different nature from those to which he had alluded. One great and leading circumstance on which both the increase and permanency of prosperity in the British dominions in India, as well as our prosperity at home, depended, Mr. Dundas said, every man must see, was the continuance of peace; and when he looked round and considered the situation of other European nations, especially our connection with Holland, he thought that he did not entertain too sanguine expectations, when he concluded that the tranquillity of India was not very likely to be soon disturbed; and confident he was that no apprehension need be entertained from any of the native Princes in India, so long as we followed the course which we were now pursuing, and persevered in the path of moderation, according to the pre-

sent system. He must prove a daring Governor-General, indeed, who could so far venture to disobey instructions from home, as rashly to pursue a different course, and contrive to render it the interest of the native Princes to unite and form a combination against us. Such an event we had, however, not the smallest reason to fear. We knew that there was one ambitious and aspiring Prince in India, possessing all the rancorous spirit of his father, the object of whole life it had been, if possible, to extirpate the British name from India; to guard against whose attacks, however, our present establishments were amply sufficient. Additional circumstances had recently occurred, which still further rendered our establishments more than adequate to the preservation and security of our possessions; need he refer to the circumstance of the evacuation of Pondicherry, a tolerably strong symptom that France had no present views to be suddenly our rival in India. Another matter equally satisfactory, was the opportunity afforded us of lessening very considerably our establishment in Bombay, arising from the King of Travancore, (the oldest friend to the English name in India) having sent a requisition for a body of our troops to cover the frontier of the kingdom of Travancore, and to be paid by him. This measure would supersede the necessity of our establishment at Tillicherry, and enable us to lower those of Bombay; one great object of that establishment having been for the purpose of defending the borders of the Mysorean country. The effect would undoubtedly bear rather hard on some of the Company's military servants; but it was necessary, and his opinion coincided with that of the present illustrious Governor General, who would obey the orders sent out most readily, both because it was his duty to obey the orders sent him, and because they concurred with his own opinion. An honourable gentleman over the way, Mr. Francis, had almost every year, Mr. Dundas observed, endeavoured to combat his statement of the growing prosperity of the Company, by asking what discount India certificates bore, contending, that the prosperity of the Company's affairs in Bengal depended altogether on the high or low price of the discount of their paper there. He would this year save the honourable gentleman the trouble of making his objection, since Lord Cornwallis, in his letter of August 2, 1789, had stated that the discount on their bills was reduced to one one-half per cent, which, considering that the debt in India bore 8 per cent interest, was in fact a premium.

When Mr. Dundas's first resolution, relative to Bengal, had been moved, and read from the chair,

Mr.

Mr. *Hussey* remarked, that being of opinion that no satisfactory account could be made out of the East India Company's affairs, unless they were considered both with respect to their situation at home and abroad at the same time, he had, the other day, taken the liberty of proposing that a paper of a particular description should be laid upon the table. The House had adopted his proposition, and he held a copy of it in his hand; but there was one part of it which called for explanation. The Company had, for years past, applied for leave to borrow more and more money, which was an odd, and, he thought, rather an ill symptom of prosperity. In the course of the last eight years, however, they had borrowed twelve millions. He had moved for an account of their profit and loss for those eight years; however, he could find no account of profit, but an account of loss to the amount of twelve millions. In the paper he held in his hand, they took credit to themselves for 1,740,000l. on account of the loan they were empowered to make last year, and only debited themselves for one million. Where was the other 740,000l.? Had they set it down as a difference arising from any given circumstance, or stated it as a deficiency, he should have been satisfied; but they had other ways of making up an account, which, he owned, was to him inexplicable, and according to his view of accounts, such as they ought not to be. He admitted that the whole adventure, relative to the last 1,740,000l., was stated in the printed paper, consequently no deception or fraud could be intended by the Company; but it was a strange mode of making out an account. Mr. Hussey stated a variety of observations, all grounded upon numerical statements in the printed accounts, that had from time to time been moved for and presented on the subject of the East India Company's affairs; and he concluded with declaring that he thought the obscurity in the account, that he had adverted to, relative to the million borrowed last year, called for some explanation. Mr. Hussey.

Mr. *Ryder* contended, by arithmetical statements, that the Company had increased in their assets in the course of the past year to the amount of nearly two millions. Mr. Ryder.

Mr. *Tierney* said, that as he had moved for a number of papers relative to Indian affairs, it would naturally be expected from him that he should state the grounds upon which he had called for those papers. He was prevented, however, by indisposition from endeavouring even to do justice to his own sentiments on the subject. He did not mean to insinuate that he was in a consumption, or seriously ill; his disorder was rather inconvenient than dangerous, (a violent swelled face) he might get rid of it in a few hours, but it gave him infinite pain to speak at all. If the right honourable gentle- Mr. Tierney.

man, however, would consent to postpone his report till after the holidays, he would pledge himself to prove that so far from there being a surplus on a balance of the revenues in Bengal equal to two millions, there had not been any profits on the Company's trade, on an average of the last five years; but, on the contrary, a palpable loss and deficiency. If the right honourable gentleman meant to hurry the report, and insisted on bringing it up the next day, he would wait till the debate was over in the Committee, and name a day after the holidays, on which he would bring the whole of the subject again under consideration; being ready to meet the right honourable gentleman on any day he pleased.

Mr. Dundas. Mr. *Dundas* answered that he would postpone the bringing up the report with all his heart.

Mr. Grenville Mr. Secretary *Grenville* begged leave to assure the honourable gentleman that, though he was prepared directly to argue the subject, he should not have the smallest objection to postponing it. He rose, however, principally because he flattered himself he could reconcile the apparent deficiency stated by the honourable gentleman over the way (Mr. Hussey.) The difference he understood to be 740,000l., the statement of the whole of which was easy to be accounted for, by sums paid by the East-India Company, which the Company had, for different reasons, not thought themselves warranted to bring into their account, The first was the sum of 300,000l. paid in the course of the present year to Government, in part of an unliquidated claim on the side of Government, which could not be correctly stated, and therefore the East-India Company had paid it on account. The next was the sum of 270,000l. interest, which they had taken credit for beforehand. Here Mr. Grenville explained the circumstances of this article. Due to the army at Bombay, 50,000l. On certificates not issued, 100,000l., and 20,000l. paid at Madras since the account of 1788-9 was made up. These sums put together would be found to make up the 740,000l., which the honourable gentleman over the way had very truly said, was accounted for.

Mr. Francis. Mr. *Francis* said, that when he saw the honourable gentleman coming into the House loaded with papers, and while he was listening, with all the attention in his power, to that everlasting detail of estimates, comparisons, accounts, and calculations, with which he had endeavoured to make out a few simple propositions of fact, which, if they were true, might and ought to have been proved to a popular assembly, in a plain, popular, intelligible method; it occurred to him that he could not better introduce what he had to say on the subject, than by a quotation from the famous speech of Ulysses,

"Si

"*Si mea cum vestris valuissent vota, Pelasgi,*
"*Non foret incertus,*" &c.

If the honourable gentleman's wishes, in which he heartily concurred, if his promises and predictions, to which he could not assent, had been really and substantially accomplished, it would not, at this day, have been a matter of so much apparent uncertainty, it could not have been the subject of precarious estimate and calculation, and it would not have required such a multitude of figures, and such an infinite series of computations, to prove that India was in a state of prosperity, and the Company's affairs in a flourishing situation. It was impossible for the House to follow or comprehend such voluminous accounts. The true, the proper, and the only intelligible proof of the propositions in question, would have been to have produced a short and simple account of debts paid off, of investment purchased with a surplus of revenue, of net profit upon that investment, and of a thriving, happy, industrious people in the Indian provinces under our dominion. What signified all the right honourable gentleman's arithmetic, when the notorious facts were that we had no return from India, but a return or transfer of debts, which the Company could not pay, and which sooner or later must fall upon the shoulders of England; when the Company, instead of discharging their bonds, and clearing themselves from the burthen of their debts at home, were every year coming to Parliament for assistance, for leave to borrow more and more money, for an authority to encrease their capital, which was only another name for running into debt, or for the direct power of the legislature to protect them against their creditors, either by authorising them not to accept, or not to pay the bills they had accepted. By such acts, done under such protection, any other commercial person, whether corporate or individual, would be *instanter* a bankrupt; and finally, when the letters from Lord Cornwallis, now lying on the table, described Bengal as a declining and almost ruined country. The evidence on that side was direct and palpable, it came home to every man's understanding, and was such as all the powers of arithmetic, however they might puzzle the cause, could never remove or refute.

Mr. Francis said, that he should not enter into the state of the Company's affairs at home, as that part of the subject would be discussed by persons better acquainted with it than he was. He protested, however, against any distinction which had been, or might be, set up between the Company's situation abroad and at home, as if they were not one and the same Corporation in both positions, or as if it were possible for them

them to flourish in India, while they were going to ruin in England. By transferring a debt of six millions from India to Leadenhall Street, you certainly relieve the government of Bengal. But the burthen still lies on the Company, and if they should be unable to discharge it, it must fall on the Public. The transfer was authorized by Parliament, and the security, thereby given to the creditors, was a parliamentary security. He said his principal object was to consider the state of Bengal, but he first begged leave to mention a particular fact which had accidentally come to his knowledge. Having lately had occasion to sell a few India bonds, he found, that in the course of a day or two, there had been a fall in the premium to the amount of five and twenty shillings without any apparent cause. On enquiry he was told that the Company had lately contracted for 1,200,000 Spanish dollars for exportation to China, which they proposed to pay by certificates of 100l. each, bearing an interest of 4 per cent., and to run for three years.

This, Mr. Francis said, was contrary to the Company's usual mode of payment for goods for foreign markets. They had, however, been forced to recall these certificates, finding that, *in fact*, they were bonds, and by law could not be issued. It was, he said, the expectation of this issue of new bonds, which, within this fortnight, had lowered the premium on the bonds in the market from 117sh. suddenly to 93sh. They had since got up again, because the Company had found out, that they were restrained by law from issuing the certificates they intended to do, to the amount of 255,000l. The Company had also taken up 850 tons of tin, value about 55,000l. sterling, to be paid for in two years; whereas such articles before had usually been paid for, either by immediate ready money, or within six or eight months after delivery. Copper also, he knew not to what quantity or what amount, the Company had contracted for; to be paid for at the same period as the tin, and this contract, he should apprehend, was by no means a small one.

These measures, he observed, were so many indirect ways of extending their credit. They wanted to issue certificates against law, they took up goods at long credits, which formerly they used to pay for with ready money, and, while they pretended to be in affluent circumstances, were every day running deeper and deeper into debt. With regard to Bengal, Mr. Dundas had said, that the *Jumma* being collected entire was a proof of the prosperity of the country, and that therefore Bengal was most prosperous. Neither the premises nor the inference were founded on fact, since an oppressive government might get their revenue entire, and the country be nevertheless rapidly going to ruin. They had

heard

heard the right honourable gentleman alſo tell them, that there would be a ſurplus of two crores of rupees. And yet no part of the Indian debt could be paid in India; for Lord Cornwallis expreſsly ſtated in his letter of the 7th of March, 1789, that the debts in Bengal could only be paid "by the "diminution of their inveſtments, or by the remittance of "a large ſum of money from Europe for the purchaſe of their "inveſtment. It is true that Lord Cornwallis and Council, in their letter of the 12th of March, 1789, ſay "We have "every reaſon, from a view of the aggregate amount of the "Bengal reſources, compared with the probable diſburſe- "ments, to confirm you in the expectation of drawing from "hence a ſurplus revenue of more than two crore of current "rupees." But how is that declaration to be reconciled with the preceding? If you have a real, effective, annual ſurplus in Bengal of two millions ſterling, why is no part of it to be applied to the diſcharge of debts in India? Why muſt you diminiſh the inveſtments, or make a remittance of a large ſum from Europe? A profitable, well-choſen inveſtment in Bengal ought not to coſt more than 70 or 80 lacks. What becomes of the remainder of the ſurplus? Is it all devoured by the eſtabliſhments of Madras and Bombay? What is that but ſaying that thoſe two ſettlements are ruined, and that all the little ſurviving wealth of Bengal is waſted to ſupport them?

Mr. Francis proceeded to take notice of what Mr. Dundas had ſaid reſpecting the revenue ariſing from ſalt, which the right honourable gentleman had, he owned, ſpoken of in a manner extremely pleaſing to his feelings. The right honourable gentleman had truly ſtated ſalt to be a neceſſary of life in Bengal more than in any other country. It actually was ſo, and Nature ſeemed to have conſidered the circumſtance, as it hath made ſalt one of the cheapeſt manufactures of the country. They could get it there for next to nothing, if an oppreſſive revenue were not derived from it. This was ſeen and known by a noble friend of his, to whom they were indebted for every thing they poſſeſſed in India. Whether ultimately they had or had not been better without any acquiſition in India, might be another conſideration; but the noble perſon to whom he alluded was the late Lord Clive. The principal handle made uſe of in 1767, to run down and ruin the late Lord Clive, was the monopoly of ſalt, betel nut, and tobacco. Yet by the terms of that monopoly, it was ſpecially provided, "That the price "of ſalt, ſold by the Society of Trade, ſhould never exceed "200 rupees per 100 maunds;" and Mr. Bolts, who ſtretched every thing to the utmoſt, that could be brought to bear againſt the government of Lord Clive, ſtated 500 rupees

per

per 100 maunds, as the higheſt price to the conſumer. His words are:

"The produce of the whole country was engroſſed by the "Committee, who paid at the rate of 75 rupees per 100 "maunds, for what was ſold in many places for upwards of "500 rupees per 100 maunds; which in effect was making "a poor inhabitant pay at the rate of ſix half rupees for a "quantity of ſalt, which, in the common courſe of the "trade, he would have bought for one rupee," and at length the Company were prevailed on to ſend out a letter to Lord Clive, to put an end to it. The following was, Mr. Francis ſaid, an extract from that letter:

Extract of a Letter from the Court of Directors to Bengal.

"We had rather that even the duties ſhould be diminiſhed "than that the price to the conſumer ſhould exceed 140 "ſicca rupees per 100 maunds."

The ſelling price of the Company at Calcutta, appeared, Mr. Francis ſaid, by No. 17, to have been in Auguſt, 1789, about 300 ſicca rupees per 100 maunds. At one period within theſe two years, the price, at the Company's ſale, had got up to the enormous amount of 700 ſicca rupees, inſomuch, that when the merchants, who had purchaſed at this rate, attempted to ſell at a proportionate increaſe for profit and charges, it was found that the people muſt univerſally periſh for want of ſalt, and Lord Cornwallis was forced to iſſue the following proclamation:

January 16th, 1788.

"The Governor-General in Council having reaſon to be- "lieve that much diſtreſs is ſuffered by the natives from "the preſent enhanced price of ſalt, his Lordſhip propoſes "to increaſe the quantity of ſalt in the market, by directing "another ſale on the 1ſt of next month. If theſe means "ſhould not be found effectual to lower the price of ſalt to "the conſumer, the Governor-General in Council will de- "termine on ſuch other meaſures * as his Lordſhip may "judge neceſſary for that purpoſe."

(Signed) E. HAY,
Secretary to the Government.

Suppoſing the final retail price of ſalt, in the provinces, to be 700 ſicca rupees per 100 maunds, it would then coſt

* Obſerve that theſe are menaces againſt the merchants who bought at an immoderate price at the Company's auction; i. e. if they preſume to ſell at a rate proportioned to the price which they paid to Government, the Government will ruin them.

the

the consumer, Mr. Francis said, two pence three farthings per pound English. An individual native would, as long as it is possible for him to get it, consume half a chittac, or one ounce per day; consequently a family of five persons, living on the labour of one man, must spend 5-16ths of two pence three farthings in salt, or about three farthings a day. The medium price of labour throughout Bengal, is one anna and half per day, or three pence halfpenny English. Consequently, when he has paid for the salt, without which his vegetable food would be poison to him, he has just seven farthings a day left to provide himself, a wife, and three children, with every other necessary of life, and to pay some rent for a mud house; and without any allowance for salt for his cow, if he has one, for without salt the cattle in that country cannot exist for any useful purpose. When salt is at 700 rupees per 100 maunds the lower classes of natives cannot afford it, and they have recourse to burning the bauble-tree, and plantain, to extract a saline essence from the ashes. During Lord Clive's monopoly it never exceeded 350 in the Lower Provinces, and 500 in the Upper Provinces. So that what was intolerable in Lord Clive's time, when the country was rich, must be ten thousand times more so now, when salt had got up to such an enormous price as 700 sicca rupees per 100 maunds.

Having finished his observations on the subject of salt, its price, and the revenue drawn from it, Mr. Francis said, he would come at length to the letter of Lord Cornwallis, dated August 2, 1789, but first he would premise, that he had a great respect for the character of Lord Cornwallis; he believed him to be a man of pure hands and upright intentions, which were undoubtedly essential requisites, and rather extraordinary in a Governor-General of India. He had a high opinion also of Lord Cornwallis's military talents, but they were totally foreign to the questions of that day's discussion. As a man of private virtue he esteemed Lord Cornwallis; whether he was altogether qualified for his present station, and was sufficiently versed in the arts of governing a large empire, was another consideration. And surely, when he gave the noble Lord full credit for his integrity, he might be allowed to entertain a single doubt, and that of the nature he had stated. The observations he might think it necessary to make on some passages in his Lordship's letter might perhaps appear less favourable; he begged, therefore, beforehand, that they might not be imputed to any want of respect for that noble Lord; were he present, he would say what he was about to say. Indeed, he doubted whether the letter was written by Lord Cornwallis himself, or came chiefly from the assistance of Mr. Shore.

“ The security of property, however, and the certainty
“ which each individual will now feel of being allowed to
“ enjoy the fruits of his own labours, must operate uniformly
“ as incitements to exertion and industry.”

This, Mr. Francis said, was stated by Lord Cornwallis in his letter, as a perfectly new observation; an old, established, eternal truth, for who ever doubted that security of property, and the certainty of every individual's being allowed to enjoy the fruits of his own labours, would incite him to industry and exertion! But it was to be observed, that Lord Cornwallis used the phrase “ will *now* feel,” which was a pretty plain confession of the misery and oppression the inhabitants had long suffered, and therefore, Mr. Francis said, he conceived he had a right to argue, that Lord Cordwallis's evidence of the ruinous state of the Province of Bengal for years past was conclusive in favour of the opinions he himself had often delivered on that subject. But the letter proceeded thus:

“ And I have purposely, in these settlements, proposed
“ to withdraw the *Gunges* from the Zemindars, and to
“ place them in the hands of Government, in order that it
“ may at all times have an unrestrained power to raise or
“ lower the internal taxes or duties on particular articles
“ of produce of manufactures, as may be found most suit-
“ able to the general interests of commerce; but above all,
“ as the land revenue, when the *Jumma* is once fixed, can-
“ not encrease, that the Company may, through the me-
“ dium of duties upon an encreased consumption of the ne-
“ cessaries and luxuries of life, participate in the wealth and
“ advantages, which, I trust, will be the consequences of
“ a permanent revenue settlement to the inhabitants of
“ this country.”

Mr. Francis made a few comments on this passage; great merit, he observed, had been taken last year from the abolition of the Government Customs, which arose chiefly from these *Gunges*, and he had been one of the first to give the right honourable gentleman credit for it; why not then abolish the *Gunges* (or market duties) altogether? But it was observable that such was the miserable state of India, that a Governor General dares not propose any thing, however wise and humane, for the benefit and relief of the natives, if it is likely, in the smallest degree, to lessen and reduce the revenue, without accompanying it with some lure to the Directors, to convince them that if they lose in one point, he has taken care to suggest another, by which they may be gainers. In the passage of the letter that he had just read, Lord Cornwallis gave the people of the country a *quietus* in a essential point, viz. in a permanent revenue settlement, or fixed

fixed land tax, and at the same time advised the Company to tax the necessaries of life. Would he have them encrease the tax on salt? and as to luxuries, what were the luxuries life to a Hindoo? He could not possibly conceive what they were; rice and salt were necessaries; would they tax them any more in a country so impoverished? Or did they expect to get any thing by a duty on betel nut and tobacco? Or would they tax Oil and *ghee*; (*Ghee*, Mr. Francis explained, was a clarified butter, made from the milk of buffaloes, which the Hindoos would not take if they could get any thing better, and which an European detested.) In the next section of the letter, Lord Cornwallis assures the Directors, "that it will be of the utmost importance, that the principal land holders and traders in the interior parts of the country should be restored to such circumstances as to enable them to support their families with decency." Had the right honourable gentleman been year after year boasting of the prosperity of the province of Bengal, (asked Mr. Francis) and was it only in the year 1790, that it was recommended that the principal land-holders and traders in the Provinces should be restored to the power of supporting their families with decency? This was a fresh proof of the miserable and ruinous state of Bengal. The next paragraph confessed that agriculture and internal commerce had for many years been gradually declining, and that at present excepting the class of *Shroffs* and Banyans, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness; and Lord Cornwallis said, "in that description he must also include almost every Zemindar in the Company's territories." These facts, Mr. Francis said, he told them long ago, and therefore he concurred with Lord Cornwallis, when he said, in the same paragraph "that "these miserable effects were owing to the bad management of "the late Government."

Mr. Francis in this part of his speech entered into an argument to prove the necessity of keeping on good terms with the *Shroffs*, or country bankers, who had it in their power to distress the British Government in Bengal imperceptibly, and therefore, he said, it was always adviseable to have them of our party. With regard to a general new coinage of silver recommended by Lord Cornwallis, he considered it as impossible to be carried into practice; for how could a recoinage take place in a country where there was no silver? and how could it be performed by a Government which never had any cash in its treasury? They had felt the want of silver currency long ago, and had issued gold mohrs in payment, and the consequence was, they fell an eighth immediately, and soon afterwards much more. In order to get at a general

ral coinage, they must have much bullion in their treasury; it was idle to attempt it otherwise.

Lord Cornwallis, Mr. Francis observed, next mentioned the paragraph relative to opium, and said, "he doubted not but "the relief given to the Ryots may occasion some increase of "price on the offers that will be made by the candidates for "the contract; but he was persuaded, that the loss would be "more than compensated to the Company by the encou- "ragement that would be given to the Ryots to extend the "cultivation of the poppy." Thus, said Mr. Francis, Lord Cornwallis dares not tell the Company of a loss without always offering a compensation. Mr. Francis reprobated the extension of the cultivation of opium, for poppies were the most noxious weed that grew; had it been an extension of the cultivation of grain, he should have thought the suggestion a laudable one. The right honourable gentleman had said, that it was always customary for him to ask what was the discount on Company's paper in India, and had declared they were at one and a half discount only; he had never declared the lowness of discount a proof of the wealth of the people in Bengal, but merely a proof of the credit of the Government, in as much as it proved that public credit was improved, but it was not a circumstance to be wondered at. In a country where there was no trade, no private security, nor other emolument, every man who had any money, must either bury it, or take government securities at 8 per cent. This it was that had lowered the discount, and this very thing was a proof that the country was ruined. Another matter, Mr. Francis said, he had like to have forgotten, which he wished to take notice of, and that was the certificates. He had taken pains to enquire the amount of them, and he found the amount of certificates, *out-standing*, at eight per cent., to be 1,66,80,606 current rupees, from this is deducted 39,48,021, *not issued*. How that, which is *not issued*, can be *out-standing*; Mr. Francis said, was, to him, a question. But, admitting this deduction, the whole quantity was stated to be 1,30,06,676, on the 30th of April, 1789. On the 31st of July, 1786, it amounted to 1,48,16,124, consequently the reduction of this most embarrassing and burdensome part of the Company's debt had only amounted to 18,10,048 current rupees in three years; and must be increased again in 178 , to furnish advances for the investment.

After having thus travelled through the letters of Lord Cornwallis, and the various items in the accounts on the table, to which he had thought it necessary to refer, and to observe upon, Mr. Francis concluded his speech with declaring, that the flattering account the right honourable gentleman

gentleman gave them year after year of the flourishing state of the Company, when it was in a rapid decline, reminded him of that sort of physician who again and again assures the family the patient is mending apace, and then comes one morning and finds him dead. In like manner, he was persuaded, would the right honourable gentleman, notwithstanding he continued to flatter them from time to time with accounts of the growing prosperity of the East-India Company, come down to that House some day or other, and say, it is very true, the Company was in a promising way, but unfortunately its credit and its means are both lost together.

Mr. Devaynes.

Mr. *Devaynes* remarked, that he had listened to the complaints against the Company's exports from this country with much astonishment. With regard to the silver, the fact was true, that they had contracted for 200,000 dollars; but the honourable gentleman must have very early intelligence to be able to state that they had been forced to change their plan, because the truth was, they had not yet given the brokers any answer what they should do, but were to meet this day to decide how they should act. It had been suggested to them that they could not legally comply with the condition of the contract, and therefore, undoubtedly the brokers could not oblige them to make good an illegal bargain; but they were ready to pay for the silver to-morrow, so little was the honourable gentleman founded in his observation of the Company being in a distressed state at home. Mr. Devaynes stated that 850 tons of tin was a mere trifle in point of cost, and that it was taken by the Company at the desire of Government, and with a view to relieve the suffering tin-mine owners, rather than with any object of advantage to the Company, but that by taking it, the Company had obtained a reduction of the export duty, which might prove a very beneficial advantage to tin mine proprietors.

Mr. Ald. Le Mesurier.

Mr. Alderman *Le Mesurier* declared that the dollars in question was so much silver purchased by the Company over and above the usual quantity sent out every year to China; that the Company had purchased and sent their usual annual quantity away, having first paid for it, for their cloth, their lead, and every thing they had shipped this year; and they had besides paid for goods, now packed up, to a large amount. With regard to the dollars alluded to, they would only amount to 250,000l. or thereabouts, and could be paid for directly; in fact, it was so small a sum, that the dollars might, if necessary, be gotten rid of in half an hour. A very few bankers would take them immediately; there were enow to do it directly. The Alderman stated, that the Company took the utmost pains to increase their exports to the

the benefit of this country; that the tin they had taken was a speculation grounded on a wish to promote the export of that article, and afford some relief to the suffering tin-mine proprietors and their workmen. The copper was also over and above the usual quantity, which latter the Company had already sent out, and the quantity in question was taken, because an application had been made, that the party who took the contract happened to his inconvenience to have so much in hand. The Alderman said, the facts he had stated he could prove, having made the necessary enquiries that morning at the proper office; and he was persuaded, if any private individual enjoyed the powers of the Company, and was in possession of the wealth of Mexico and Peru, he could not more anxiously endeavour to promote the interest of the trade, commerce, and revenue of this country. With regard to the payment for the dollars, it would be a matter perfectly easy. Did the Court, he meant the Committee, recollect what London was? Let any of them go on the other side of Temple Bar, and they would see that there was plenty of money to be had; so much at present, that the monied men did not know what to do with their money; not that he meant to hold himself out as one of that description. With regard to Lord Cornwallis, the Company were infinitely obliged to him. He had exerted himself with great success in their service, and he scarcely believed it would be possible for him to leave Bengal in better hands. In respect to the duty on salt, he did not believe it was oppressively collected; the salt revenue was not altogether above 5 or 600,000l. and that was levied on eighteen millions of inhabitants.

Mr. Francis

Mr. *Francis*, in reply, declared, that with regard to the exports of the Company, he had not said a word arraigning their credit. He had merely stated the circumstances of the contracts of silver, tin, and lead, and the facts he had mentioned remained rather confirmed than contradicted. The honourable Director had endeavoured to overpower him with his eloquence, and had talked of the high premium of the Company's bonds as a proof of their credit. Mr. Francis denied that it was any proof. India bills were a convenient security for small sums for a short time: they could be paid in at the Company's sales, who must take them when offered, or their credit must be seriously affected. Besides, the honourable Director who spoke last, had accounted for the high premium the Company's bonds bore. He had said that there was an immoderate overflow of money in the city of London, which was another and a strong reason why these bonds being at a high premium, did not prove the prosperity of the Company.

Mr.

Mr. *Fox* contended that the high premium upon the bonds of the Company proved nothing. In fact, the price of bonds was a most unfair and false criterion to resort to, for the purpose of ascertaining the prosperity of the India Company. Bonds, as his honourable friend had mentioned, were handy and convenient securities, payable at a short date, being obliged to be received as cash at the Company's sales. But even with respect to the Company's bonds, no argument like that attempted to be supported would hold, because the real value and increase of premium depended on the comparison of the rate of interest; bonds now bore 4 per cent. interest, and formerly much less, and yet the premium was then higher. But a better criterion, was the price of India stock, which was about 174 at present, while Bank stock was 185. India stock bore 8 per cent. interest, and Bank stock only 7. Therefore, Bank stock, with a smaller interest, was at a higher price. Again, look at the 4 per cents. and India stock would be found to be in lower estimation than any of the Government funds. Mr. Fox.

Mr. *Dundas* remarked that the terrific exordium of the speech of the honourable gentleman (Mr. Francis) opposite to him, had filled him with astonishment. The honourable gentleman had set out with saying, that before he sat down, he would prove the desolation of India, and the bankruptcy of the East-India Company. And how had he proceeded? He had declared, that he could not make out or comprehend matters, which any man who had sat a single hour at the Board of the Supreme Council in India, could hardly be supposed ignorant of, and which the honourable gentleman had, year after year, declared himself at a loss to understand, and of which, year after year, he had received an explanation; and which, in fact, instead of being obscure and difficult, were as clear as the sun at noon day. With regard to India bonds, it might be excessively true, that India bonds would prove conveniencies; but was it any argument to shew that the India Company were advancing hastily towards a bankruptcy, that in 1784, when the famous and ever memorable India bill was in agitation, the Company's bonds, bearing 5 per cent. interest, were at a large discount, and that now they were at 5 and a half premium, when they bore only 4 per cent.? When the honourable gentleman had heard from another honourable gentleman who sat near him, that they were to have another day on India affairs, Mr. Dundas said, he had not conceived the honourable gentleman would have let any feeling lead him from the subject of the day to bring into discussion other things, which he might have had a better opportunity of discussing on a future day. No man living, he believed, but the honourable gentleman could possibly Mr. Dundas.

bly have read Lord Cornwallis's letter in the manner and commented on it in the spirit that the honourable gentleman had done. Let any man of candor and of liberality read that letter, and Mr. Dundas declared he was convinced he would pronounce it a letter as full of wise suggestions, humane considerations, and politic principles, as ever came from the pen of a statesman, or any other description of human being in authority. The honourable gentleman had perverted every part of Lord Cornwallis's letter; and easy, indeed, it was for any man possessed of even an ordinary understanding, by selecting passages partially, and detaching them from the context, to pervert their meaning, misapply their reference, and destroy their sense altogether. The honourable gentleman had accomplished his design, and misrepresented the meaning of Lord Cornwallis in almost every passage he had quoted. From Lord Cornwallis's letter he had endeavoured to draw an inference that there was not a surplus of two millions arising from the excess of the revenue over the charges, and various other sources of surplus which he (Mr. Dundas) had before explained, when there was not one single syllable in the whole of Lord Cornwallis's letter to warrant such an inference. Let the honourable gentleman be candid enough to recollect, that Lord Cornwallis went out to India only four years ago; that instructions were sent to him to make a permanent settlement; that he did not controvert the propriety of the measure; that he set about it instantly, and in 1789 wrote home the account of the operation and effect of the plan when put into practice? But, did the noble Lord draw a single inference of India's not being in a prosperous situation? Most undoubtedly not. On the contrary, he expressed, in the strongest terms, his satisfaction at what had already been performed, and his well grounded reasons for expecting that equal success would attend what remained to be performed. If it were asked, what Lord Cornwallis had done? The answer was prompt and at hand. He had emancipated the manufacturers of soap; he had set the weavers free; he had, in various great and important instances, disencumbered the artist and the artisan; in a word, the proofs of his successful and useful exertions were numerous, and they were still proceeding. With regard to the point whether Lord Cornwallis ought to have used the word "are," instead of "were," Mr. Dundas said, he was willing to understand Lord Cornwallis's letter as he wrote it. Lord Cornwallis spoke of the system, as a system put in operation, and now beginning to produce fruits. But he had not said one word about the shroffs or bankers, who, according to the honourable gentleman's account, the House might suppose were about to be put to death. As to the honourable gentleman's alarm about the

the opium of the country being increased in its cultivation, Mr. Dundas said, that he had ever understood that it had been considered a reproach to the Company that they took so much silver out of England; and therefore, he rather wondered at the honourable gentleman's arguing against the increased cultivation of opium, and the more especially, when he considered the grounds on which the honourable gentleman had objected against it. As well might the vines of France be argued against, because the French sometimes intoxicated themselves with their juice, as the opium of India, as if it were a delicious drug, the only object and use of which the honourable gentleman seemed to think was to render the natives drunk! Did not the honourable gentleman know, that opium was a great article of commerce in Asia? Did he not know, that the more opium was exported from India to China, the less bullion need be exported from England to India? Might not the honourable gentleman, as he professed himself to be a humane man, a moral man, and a man of liberality, have viewed the favourable side of the question? Might he not have found out, that Lord Cornwallis's proposition to withdraw the Gunges out of the hands of the Zemindars to place them in those of Government, signified that he wished to prevent instead of increasing the oppression of the natives? The honourable gentleman had put all the debt of Bengal in addition to one side of his account, and then struck a balance with the other, which was a mode of striking a balance just as unfair, as if at the end of the last war the honourable gentleman, viewing the unfunded debt on the one side, in addition to the annual expenditure, and the mere annual revenue on the other, had exclaimed, that we were all ruined!

Mr. *Francis Baring*, having premised that the purchase of copper, tin, and silver, by the Company, was represented to have been made solely for the purpose of extending her credit in an improper and even illegal manner, added, that the plain fact was, that after the Company had provided the whole of the usual investment last year, in the manufactures and produce of Great Britain, the agents for the copper mines represented to the Company, that a very large quantity remained on their hands, which they offered at a low price, and, which the Company did not solicit, with a credit, representing the advantage which the country would derive from so large a value of its produce being exported to India. The Directors having already provided their usual investment, and from a doubt whether the whole could be sold in one or two seasons, accepted the proposal solely with a view to promote the prosperity of the country. The purchase of tin was marked with still stronger circumstances; Mr. F. Baring.

the distress of the miners in Cornwall was so well known, that, although the Company did not expect profit from the adventure, yet they readily accepted of a very large quantity, and the Public had shewn a similar disposition to relieve the miners, by taking off the duty. The Company were supposed to have attempted an illegal measure in purchasing silver on credit. The act of Parliament which was supposed to apply to the case, was in the 9th and 10th of William, which, if considered with attention, would appear to have been intended to cover the Bank charter, and not to prevent the India Company from purchasing silver on credit; as it expressly says, the Company may owe for bullion to be exported, and the Company frequently have owed large sums for [illegible] so exported; the true object of the Company [illegible] the large sums drawn on them every year [illegible] exorbitant exchange of 67 each dol[illegible] which, allowing for the length of the [illegible] ence of fineness between the old and new d[illegible] of insurance, and some small charges, made [illegible] 64d the new dollar, whilst their purchase with three years credit, including 4 per cent per annum interest, amounted to no more than 62d. the profit, and therefore, to the Company, was above 6 per cent, and when it was considered, that they had already exported above half a million sterling in dollars, for which the money has been paid, if the additional purchases has been added thereto, and the whole contracted for, at three years credit, as proposed, the Company would gain more than 50,000l. when compared with an operation of the same extent, which was made every year in China, by bills drawn on the Company payable. Thus had a transactions been misrepresented, which was not a novel, but a judicious one, and the Company might be induced to a bandon a profit of above 50,000l. merely because the public had received a very erroneous impression on the subject.

Mr. Francis. Mr. *Francis* denied that he had said any thing disrespectful of Lord Corwallis, or made any personal attack on him. He had premised what he had said of him, with expressing his respect for the noble Lord's character, and his consciousness of his integrity; neither had he misrepresented him, for he had quoted his very words from his own letter, and it was the office of a person who misrepresented another, to substitute other words in the room of those, which the person he quoted had delivered. Mr. Francis complained of the hardships Members of that House were placed under; if they alluded to the conduct of a public man, they were to be charged with misrepresenting him. He had, however, read Lord Cornwallis's own words and no other, and he begged leave to read them again. Mr. Francis then read

ſome of the ſame paſſages as he had before cited, and appealed to the Committee whether they did not bear out the interpretation he had put upon them?

Mr. *M. A. Taylor* declared, that he did not believe the right honourable gentleman's (Mr Dundas) repreſentation of the proſperity of the Eaſt-India Company to be juſt. The right honourable gentleman had come down enveloped with the numberleſs papers he had moved for, with a view, as he ſuppoſed, to obſcure the ſubject, and to embarraſs the Committee. In the multiplicity of papers the attention of gentlemen was diſtracted, and, for his part, the intricacy occaſioned by ſuch a variety of complex and contradictory accounts, rendered it abſolutely impoſſible for him to underſtand how the Company's affairs ſtood. The only fair way to communicate a clear and intelligible account of the Company's affairs would be to produce the general items on a ſingle ſheet of paper, on one ſide the revenue, and on the other the charges, with a balance upon the whole ſtruck at the bottom. The right honourable gentleman had affirmed, in a loud tone of voice, that the monied men were fond of purchaſing India bonds. Let the Committee recollect that the right honourable gentleman's ſituation in continuance in this official ſituation depended on his making it appear that the proſperity of the Eaſt-India Company was great; and that by the means of keeping up the price of India ſtock, which every man who came from India muſt buy, or he could not be ſafe, he kept his high ſituation, and governed India and the Company. Let gentlemen, however, compare India ſtock with any other ſtock! Let them compare it with any of the Government funds, and they would ſee its leſſened value in the compariſon. His honourable friend near him, (Mr. Tierney) he had no doubt, would, on a future day, expoſe the fallacy, and as he (Mr. Taylor) came into that Houſe with no other view but diſtinctly and clearly to ſtate his ſentiments on every queſtion that aroſe, he would, on that day, convince the right honourable gentleman that he dared to ſpeak his ſentiments. Mr. M. A. Taylor.

Mr. Chancellor *Pitt* begged leave to remind the honourable and learned gentleman, who had complained of the variety of papers moved for by his right honourable friend, as ſo perplexing and embarraſſing, that he could not poſſibly develope the intricacy in which the accounts were involved, that if he would examine the papers, he would ſee that his own friend, the honourable gentleman near him, had moved for by far the greater number. Not that he meant on that ſcore to impute any blame to the honourable gentleman; the accounts he had moved for had proved extremely elucidatory, and one of them had enabled his honourable friend, (Mr. Ryder) Mr. Pitt.

der) who had ſpoken early in the day, to explain a doubt ſtarted by an honourable gentleman in a moſt ſatisfactory manner. The honourable and learned gentleman had done what he little expected from him; he had under-rated his own abilities in ſaying that he could not underſtand the accounts on the table. He had proved that he was capable of directing his honourable friend how to make out an account, and he did not doubt but that when the day came for a ſecond debate on the ſubject, the honourable and learned gentleman would become a powerful aſſiſtant to his honourable friend, and exert himſelf, in full ſtrength, when they ſhould have to fight over all the arguments of the year 1784 again, to which he ſhould not have the ſmalleſt objection. Mr. Pitt added, he would take no other notice of the honourable and learned gentleman's declaration, that his right honourable friend's holding his high ſituation depended on the proſperity of India, than to aſſure the honourable and learned gentleman that he ſhould have thought the converſe of the propoſition nearer the truth, and that India would not have enjoyed the proſperity ſhe felt, if his right honourable friend had not holden his high ſituation ſo long. Mr. Pitt aſſured Mr. Francis, that if he had thought there was fair ground of cenſure on Lord Cornwallis for any part of his conduct in his public capacity, it could not be conſidered as a perſonal attack on him to urge that cenſure, but nothing more than an actual diſcharge of his Parliamentary duty. Mr. Pitt read ſeveral paſſages of Lord Cornwallis's letter of Auguſt 2, 1789. To that Mr. Francis, by omitting to read the context, had contrived to make the paſſages he did read bear a meaning directly oppoſite to their true ſenſe, and fair conſtruction.

Maj. Scott Major *Scott* ſaid, he would wiſh to make one or two obſervations upon the letter of Lord Cornwallis, in the preſence of the honourable gentleman (Mr. Francis) becauſe he underſtood it in a light totally different from that which the honourable gentleman had ſtated. The honourable gentleman himſelf had, in the year 1776, repreſented Bengal as totally ruined; yet it was a fact that from 1766 to the preſent time, it had produced a revenue annually of above three millions, notwithſtanding its exertions in a long war; and it was remarkable, that in many of the years there were only a few thouſand pounds difference in the collection. This ſufficiently proved how ill-founded the honourable gentleman's predictions had been. Lord Cornwallis has now given a deſcription, which, the honourable genlteman contends, fully confirms all he had ſaid thirteen years before, and that now Bengal is totally ruined; yet in the very ſame year, his Lordſhip tells the Directors that they may depend

upon

upon a furplus of two millions fterling annually. Could this be the cafe if the letter would bear the conftruction which the honourable gentleman had put upon it? The fact was this, that Lord Cornwallis expected additional fources of wealth, profperity, and population from the mode of letting the lands in perpetuity, a mode which the honourable gentleman knew had been recommended from Bengal by every adminiftration many years ago, but which no government, till Lord Cornwallis went out, was authorized to adopt. When Lord Cornwallis talked of the defects of former fyftems, he meant not our fyftem only but that of the Moguls, and as far back as we could trace the hiftory of the country; for the plan of letting the lands in perpetuity was perfectly new in Hindoftan. There was another part of the letter which he wondered the honourable gentleman had not particularly noticed, where his Lordfhip expreffes his confidence in Hyder Beg Khan. The honourable gentleman knew how he had himfelf defcribed that man; how thofe with whom he acted had defcribed him; and that he was denominated by the Houfe "an implacable tyrant;" yet it appeared, that his Lordfhip's dependence for the regular payment of a fubfidy of fifty-two lacks a year, was entirely upon his exertions; nor was any doubt expreffed of that fubfidy being realized. The Major faid he had a few other remarks to offer, but thought it would be unfair to make them in the honourable gentleman's abfence.

The refolution was agreed to, as were a variety of others which were moved by Mr. Dundas afterwards.

The Houfe was then refumed, and the report ordered to be brought up on the motion of Mr. Tierney, on Monday the 19th of April.

Mr. Secretary *Grenville*, now rifing, defired that he might be fuffered to trefpafs upon the attention of the Houfe, whilft he adverted to the new Conftitution to be provided for the province of Quebec, a fubject refpecting which a right honourable gentleman (Mr. Fox) had, in his place, converfed with him fome weeks before. Unfortunately he ftood in the fame fituation ftill, in which he had then defcribed himfelf to ftand, and as the Houfe was expected to adjourn the next day, for the Eafter recefs, he thought it his duty to ftate to them the circumftances previoufly, and at the fame time to explain to them what had been his conduct touching the important object to which he referred, fubmitting the whole to the confideration of the Houfe, and leaving it to their candour to decide whether any blame was juftly imputable to him. The Houfe would be fo good as to recollect, that in July laft, His Majefty had been pleafed to raife him to the poft which he then had the honour to fill. At that Mr. Grenville.

time

time the Houſe was, as it were, engaged in the midſt of the buſineſs of the ſeſſion, the ſeſſion not having commenced regularly till the month of March had been far advanced, that being the time of His Majeſty's happy recovery. Till Parliament was prorogued (which was not before the 11th of Auguſt) he was wholly engaged in attending his duty in that Houſe, and in making himſelf acquainted with ſuch important buſineſs as it was indiſpenſably neceſſary ſhould be communicated to him on his coming into the office which he now held. As ſoon as Parliament was prorogued, he applied himſelf to the buſineſs with the utmoſt care and conſideration. The Houſe would naturally ſee that it muſt unavoidably coſt him ſome time to ſtudy the ſubject, to digeſt his own opinions reſpecting it, to compare them with the opinions of others of His Majeſty's ſervants, who had it much earlier in their contemplations (many of whom were at the time at a conſiderable diſtance from that place) and after he had made himſelf maſter of the ſubject completely, and formed, what he thought, a practical and a proper plan, to ſubmit it to the judgement of others, and ultimately to receive His Majeſty's commands upon the point in queſtion. With great application, and unremitting induſtry, he had been able to accompliſh all theſe objects in leſs than three months, and had not formed a mere deſign or outline, as the ground for a future proceeding, but had actually matured the whole, and reduced it to the ſhape of a Bill, ſuch as he thought fit to be ſubmitted to the conſideration of that Houſe. But, though he had proceeded thus far, he, certainly, felt that there were many points of detail which required local aſſiſtance, and could not with a due regard to prudence or propriety be hazarded without the advice of thoſe who alone were capable of adviſing on the occaſion. He had, therefore, thought it his duty to conſult Lord Dorcheſter on the ſubject, and with that view had ſent him a letter encloſing the Bill. Unfortunately, the packet did not perform its voyage in the uſual time. Had that been the caſe, in all probability, he ſhould have been able to have received Lord Dorcheſter's return of the Bill, with his obſervations upon it, in time to have been able to have introduced the Bill early in the beginning of the preſent Seſſion. The packet, that carried out the Bill, arrived in due time at Halifax, but was, immediately, blown out of the Mouth of the Harbour, and obliged at laſt, to make for the Port of New York; it was, therefore, a very conſiderable time indeed before the diſpatches could be conveyed to Lord Dorcheſter: in all probability his letter did not reach that noble Lord before the very period, when, under different circumſtances, he might, reaſonably, have expected a return and reply. From this

cauſe,

cause, he yet remained without either, but as in two months and a half from the prorogation of the last session, he had been able to send out the Bill, he trusted that the House would not be of opinion that he had lost any time; and he must beg leave to disclaim having ever pledged himself to the House as to the subject; but, let the person be who he might that had made any such pledge, as was alluded to, he conceived from the circumstances of the last session and those which he had described, that no blame could any where be fairly imputable. He added, that it was possible, though only scarely possible, that the dispatch with Lord Dorchester's answer might arrive in the ensuing Easter recess. In case it should be in his power to present the Bill within a very few days after the House met again, he certainly would embrace such an opportunity. But, as they were actually arrived at the eve of the Easter recess, and there could not remain a great deal of business to go through after the holidays; and as, for other reasons, it was not likely that the House would experience as full an attendance, as there ought undoubtedly to be when a subject of so much magnitude and importance should come under discussion, he did not think it fit that the bill should be brought in, unless it could be brought in very early indeed after the next meeting of the House. Therefore, as the right honourable gentleman, in their last conversation on the subject, had mentioned an idea of an individual Member having the matter in contemplation, and might possibly wish to introduce some bill of his own, he had thought it due to the right honourable gentleman that he should state the situation in which he stood, that the right honourable gentleman, or any other gentleman who intended to offer any propositions of their own upon the subject, might have the opportunity of revolving the matter in their minds during the Easter recess. He declared that he was conscious it would prove of infinite advantage to the measure that it should be brought forward early, and, although he flattered himself, that the bill he had sent out, might be rendered by the improvement it would derive, from the amendment of others in that House, so far perfect, as to be productive of many solid advantages to the province of Quebec, and thence looked forward to the enjoyment of the best satisfaction which an honest man could feel—the consciousness of having contributed, by his industry and attention, to the happiness of others; he nevertheless thought it fair to state, that under all the circumstances which he had described, although it was possible that he might be able to introduce the Bill in the course of the present session, it did not appear altogether probable.

Mr.

Mr. Fox. Mr. *Fox* anſwered that he could aſſure the right honourable gentleman that he had neither meant what he had ſaid as perſonal to him, nor had he any right ſo to have applied it; but he had lamented, and he did ſtill lament, the ſtrange ſituation in which that Houſe and the Public ſtood with regard to the conſtitution of the province of Quebec. In the ſpring or ſummer of 1788, that Houſe reſolved, that early in the next ſeſſion it would take into its conſideration the petitions of the inhabitants of Quebec, and enter fully upon the ſubject. What day preciſely the reſolution was propoſed, he could not take upon him to declare, not having happened to have been in the Houſe; but by that reſolution the Houſe actually ſtood pledged to take up the ſubject early in the next ſeſſion. The next commenced in March (for he always gave that circumſtance in) becauſe undoubtedly till His Majeſty's happy recovery, there was no commencement of the ſeſſion. From the circumſtances which every gentleman knew full well, the buſineſs could not be brought forward laſt ſeſſion, and now, juſt before the Eaſter receſs, in the third ſeſſion, they were to be told, "that nothing could be done, and that the buſineſs muſt go over to another year, becauſe a ſhip, with an anſwer from Lord Dorcheſter, had not arrived. He could not, therefore, but extremely lament the diſgrace that was thus drawn down upon that Houſe. He was aware that the right honourable gentleman was not in his preſent office when the Houſe had been pledged in the manner in which he had ſtated; but the right honourable gentleman was certainly connected with the adminiſtration of that day, which was nearly the ſame as it ſtood at preſent; and ſurely they muſt have turned the ſubject in their minds at the time, and could not have thought very differently from the right honourable gentleman; becauſe it was not very uſual for men acting on the ſame ſyſtem to think differently. It was, therefore, rather ſurprizing that upon the right honourable gentleman's coming into his preſent office, he ſhould have undergone all the trouble which he had deſcribed. The whole adminiſtration in 1788 concurred with the reſolution which pledged the Houſe to take up the buſineſs early in the next ſeſſion. If it was then known, that it would be neceſſary to ſend out to Lord Dorcheſter, previouſly to propoſing the buſineſs to that Houſe, he thought it was a little raſh in the perſon who pledged the Houſe, and in Adminiſtration who ſuffered it; becauſe it was a pledge, which he who made it, whoever he might be, was not certain of being able to redeem. Mr. Fox added, that in conſequence the Houſe was diſgraced; and therefore he could not but lament, that however advantageous the right honourable gentleman's being placed in his preſent ſituation

situation might be in other respects, it had not proved so advantageous to that House on the present occasion, since it had evidently been the cause of the disgrace under which the House laboured. With regard to the proposition coming from any individual Member, he had never undertaken any such task; an honourable friend of his (the Member for Northamptonshire) had, in a former session, two or three years since, stood forward upon the subject; at that time His Majesty's servants declared they were engaged upon it, and as there was a greater propriety that the matter should be undertaken by Government, it had remained in their hands; lingering (he was concerned to say) at least towards the commencement of another session.

The House adjourned.

Thursday, 1st April.

On the presenting a petition and some papers relative to the Duke of Athol's bill,

Mr. *Dundas* remarked that its object being to procure as full and complete an investigation as possible, no man who wished to oppose it could have well considered its object, which was merely to enquire, and not to decide. So far from objecting to any paper which might be offered respecting it, he should feel extremely anxious to have every possible light thrown on the subject, because the sole object of the bill was to have the matter to which it referred fully understood. Mr. Dundas concluded with moving, that the account be printed. Ordered. — Mr. Dundas.

Mr. Curwen was proceeding to state that a part of the bill materially affected the inhabitants of the Isle of Man, when he was informed by the Speaker, that there was no question before the House.

The House adjourned for the Easter recess, until

Monday, 12th April.

The order of the day for the second reading of the Duke of Athol's bill having been moved and read, the petition from the House of Keys, praying that the bill might not pass into a law, and desiring that they might be heard against it by themselves or their Counsel, was read, after which Counsel were called in, when Mr. Law and Mr. Christian appeared in support of the petition, and Mr. Graham and Mr. Dundas in behalf of the bill.

Mr. Law spoke against the bill; the chief of his arguments went to establish the facts that the bargain made with the late Duke of Athol had not been precipitated, that the Legislature had plainly manifested to the Duke's family its intention, at one time or other, to re-invest the sovereignty in the

the Crown, so long ago as the twelfth of George the First, when an act had passed, clearly referring to that purport, that under different administrations (those of Sir Robert Walpole, Mr. Pelham, the Duke of Newcastle) the matter was known to have been in contemplation; that when the bargain was settled, it had been nine months in agitation, that the Duke of Athol named the sum himself, that he never stated any claims of the same kind with those made in 1780 and 1781 by the present Duke, and that seventy thousand pounds and a pension of 2000l. for life, settled on the Duke and his Duchess, was an ample compensation.

Three witnesses were called and examined.

Mr. Christian then observed upon the evidence.

Mr. Graham was next heard in reply, and stated that his learned friends had contended themselves with making a display of their talents, but had not endeavoured to establish the allegations of the petition. He examined the allegations one after another, and contended that they were irrelevant and vague. He affirmed that neither the petition itself, nor the evidence adduced, attached, in the smallest degree, upon the bill then before the House; but if they referred to any thing, they referred to some other proceeding not before the House, which the petitioners affected to intimate would follow at another time. This was (he said) so clear, that he might safely rest his noble client's cause on that ground; but he would not let the observations of his learned friends pass unanswered. He then went through all their leading arguments, combating them, one by one and contending that they either did not apply, or were insufficient. In the course of his speech, Mr. Graham stated the grounds of the Duke of Athol's present application to Parliament, and endeavoured to justify the Duke's conduct, and prove that he had an undoubted claim upon the candour, generosity, and equity of the House.

Mr. Dundas made a few observations on the same side of the question.

At length, the Speaker read the bill a second time, and it was moved "that it be committed."

Mr. Curwen. Mr. *Curwen*, now rising, remarked that the present bill had been brought into the House, without the least notification to the House of Keys, of the Duke of Athol's having any intention to introduce such a bill, in direct violation of an agreement made by the Duke of Athol with the House of Keys, in the summer of 1787, when the Duke was in the island, and when he assured them, that no bill should be agitated, or introduced relative to the island or the interests of its inhabitants, without their being fully apprized of it beforehand. The allegations stated at the bar in behalf of the noble

noble Duke, were not founded, as he could prove from authentic docoments. Mr. Curwen read from papers in his hand, an account of the ſeveral duties paid on the different articles of wine, tobacco, ſpirits, &c. imported into the Iſle of Man; from whence he made appear, that if the ſame duties were paid at this time on ten thouſand pounds worth of goods imported into the Iſle of Man, (which he ſtated to be a larger amount than really were imported) as had been paid, when the Duke of Athol ſold his royalties to Government, the Duke's income therefrom would not amount to more than nine hundred and fifty pounds a year. He contended that the claims now ſet up by the noble Duke were unheard of till 1780 and 1781. That the noble Duke's father, who made the bargain with Government in 1765, never urged any ſuch claims in his life-time, and that thence it was fair to infer that he was perfectly ſatisfied. As a proof that the late Duke had not thought the herring cuſtom a manerial right, or affected to claim it, Mr. Curwen produced a memorial from the late Duke to the Lords of the Treaſury in 1774, in which not the leaſt mention was made of the herring cuſtom, but only the ſalmon fiſhery was alluded to. If there really exiſted any claims on the part of the noble family, why could they not be ſtated at once? He wiſhed that the Duke of Athol ſhould not wait a ſingle moment for juſtice, if he ſtood in need of juſtice from that Houſe; but, in that caſe, why could not the Duke of Athol make out his claims now, and not proceed in a manner which appeared liable to ſuſpicion? But, he believed, there were no ſuch claims exiſting; and one reaſon why he thought ſo was, becauſe there was another party living from whom that Houſe had not heard any thing, and that was the Ducheſs Dowager of Athol, who would have a right to complain if the Houſe gave any greater compenſation to the Duke, and to come and ſay to them, "You have given to "another what belongs to me." Mr. Curwen ſaid, he had good reaſon to think, that the late Duke had no deſire to urge any claims, but was perfectly ſatisfied with the bargain as originally made. He expatiated on the nature of that bargain, and declared it to be his opinion, that ſeventy thouſand pounds and a penſion of two thouſand a year on the lives of the late Duke and his wife, was a full and ample compenſation for what they ſold. He accounted for the inſufficient manner in which the Houſe of Keys had ſupported the allegations of their petitions at the bar that day, by imputing it to their not having had timely notice of the bill to prepare themſelves properly. If the noble Duke felt any reaſon to complain of any of his rights being invaded, why could not he reſort to the laws of the land for redreſs, without coming

to that House to obtain it; Mr. Curwen added, that the population and prosperity of the Isle of Man had increased considerably since the sovereignty of the island had been vested in the Crown; that he himself held baronies independent of the Duke of Athol, that his property and income from the island were both improved, and that he should have a good ground of complaint, and so would the holders of other baronies there, if the Duke's bargain were undone again. In conclusion Mr. Curwen moved, "that the bill be committed "for that day three months."

General Murray. General *Murray* observed that he must beg leave to assure the honourable gentleman that he had mistated and misrepresented what had passed in the Island between the House of Keys and the Duke of Athol in the summer of 1787. The only agreement then made on the part of the Duke was, that no bill immediately affecting the interests of the inhabitants of the Isle of Man should be introduced to Parliament, without apprizing them previously that such a bill was intended to be brought in. The present bill was merely a bill to appoint Commissioners to enquire what the Duke of Athol's rights were at the time when the bargain had been made with his father, and therefore it could not be said to be a bill immediately affecting the interests of the inhabitants of the Isle of Man. The honourable gentleman had declared himself an advocate for the bill, when it was first moved for; and, notwithstanding all that he had just thought proper to say against it, he actually had several interviews with the Duke of Athol upon the subject, and declared himself, heart and soul, for the bill.

Mr. Curwen. Mr. *Curwen*, in explanation, read a copy of the minute of what passed between the Duke of Athol and the Speaker, and two other Members of the House of Keys in 1787, in order to shew that he had not misrepresented that fact. Mr. Curwen admitted that although he had lately changed his mind upon what he considered as a warrantable ground of objection, he was originally a friend to the bill, but he did not, at that time, know the nature of the bill, nor understand what was intended.

Mr. Pitt. Mr. Chancellor *Pitt* remarked, that before Parliament at any time agreed to a revision of a bargain concluded between the public and an individual, it was incumbent on the individual, who desired such a revision, to come to that House, and make out a case sufficiently strong to induce the House to consent to revise its bargain; for unless solid grounds were substantiated to prove that there was a manifest injustice in the bargain desired to be revised, Parliament ought not by any means to agree to it. In the present instance, he thought that solid grounds had been alledged and

proved

proved by the noble Duke sufficiently to induce the House to consent to the present bill, and therefore he should give it his support; he wished, however, to be clearly understood, that in supporting it, he by no means committed himself as to any subsequent proceeding that might be proposed as the result of the enquiry. He then stated the different amounts of the income which was alledged on the part of the Duke of Athol to have been abandoned, and which the honourable gentleman who spoke last had given. They had heard from the bar, by the learned Counsel employed for the Duke, that he had given up nearly six thousand a year, and the honourable gentleman who opposed the Bill, had stated the whole amount at no more than 950l. If the noble Duke had really given up six thousand a year to the public, seventy thousand pounds was by no means an adequate compensation, unless it was to be supposed that the right honourable gentleman, who had been Minister in 1765, and made the bargain considered the greatest part of the six thousand a year as arising from fraud and illicit traffic. In any view of the subject, it was an argument for enquiry, and not against it.

Mr. *M. A. Taylor* reprobated the bill, upon the supposition of its tending to open a bargain made five and twenty years since; and he declared that no agreement between individual and individual, which had subsisted for so long a period, would be allowed to be opened by any court of equity in the kingdom. Mr. Taylor went over the grounds of the case as it had been argued at the bar by the Counsel against the bill, and observed, that the Duke of Athol's father, who well knew what he sold to the Crown, had never complained that the bargain was inadequate. The sum of seventy thousand pounds had not been named by Government, but by the Duke of Athol himself, as appeared from the printed letters; and therefore it was fair to consider it as what the Duke thought an ample and an adequate compensation. With regard to the dignity and rank of sovereignty, he confessed he was one of those who would not have sold it for any sum whatever. But that was out of the question; it was necessary that the Public should possess it, and that the Crown and Sceptre of the Isle of Man should be re-invested in the person of the Sovereign of Great Britain. Mr. M. A. Taylor.

Sir *James Johnstone* said, that the House of Commons ought to be considered as the first Court of Equity in the kingdom, and that there was no limitation for Parliamentary revisions. If an individual had suffered injustice at the hands of the Public at any time, let it be twenty-five years ago, or ever so much longer, that House was bound to set the matter right, and do the individual justice. At the same time Sir James Johnstone

time he wiſhed not to have any injury done to the rights of the inhabitants of the Iſle of Man. The perſon who injured them *ought to be plunged in Hell.* There was a circumſtance in the caſe of the Duke of Athol which ought to be taken notice of, and that was, the Duke's grandfather had been in the rebellion; the late Duke was aware of that; and the Houſe muſt be ſenſible that it put the Duke under great difficulty, and gave Government an advantage over him in making the bargain of 1765. The Duke could not inſiſt upon ſuch terms as a perſon differently circumſtanced could have demanded.

Mr. Ald. Sawbridge

Mr. Alderman *Sawbridge* obſerved, that he ſhould contend, even whilſt he admitted that the Houſe of Commons was a Court of Equity, that it ought to be recollected, that they acted in another capacity; that they were the truſtees of the Public, and that all the money which they voted was taken from the purſe of the People. If the commiſſion were to be an impartial one, and to act equally for the Duke of Athol on the one hand, and for the inhabitants of the Iſle of Man and the Public on the other, he ſhould have no objection to vote for the bill; becauſe, if the bargain were ſet looſe, it ought to be ſet equally looſe with reſpect to all the parties; and the Commiſſioners ſhould enquire as well whether the Public had not paid the Duke of Athol too much as too little. If, upon inveſtigation, it ſhould appear that 70,000l. and a penſion of 2,000l. a year, for twenty-five years, was a greater compenſation than ought to have been given for what the late Duke of Athol ſurrendered to the Crown in 1765; ſo much as was more than the value, ought to be paid back to the Public by the Duke's family.

Mr. Harriſon.

Mr. *Harriſon* judged it neceſſary to have it aſcertained, before the Houſe ſuffered the bill to proceed any farther, what ſecurity the Public had, that, upon the enquiry, if it ſhould turn out, that they had paid the late Duke of Athol too large a compenſation for the ſovereignty of the Iſle of Man, the exceſs would be refunded to them? Would the Duke of Athol be at the expence of the commiſſion, if it ſhould ultimately appear that no injury had been done him and his family in making the bargain of 1765? Mr. Harriſon ſaid that he could not agree with the Chancellor of the Exchequer, that a ſolid ground ought not to be made out by an individual before that Houſe conſented to a reviſion of any bargain made between the Public and that individual.

Mr. Pitt.

Mr. Chancellor *Pitt* anſwered, that by adding a ſingle word to the latter ſentence of his ſpeech, the honourable gentleman had completely miſtated his argument. Inſtead of ſaying, that a ſolid ground ought not to be made out by an individual applying to Parliament for a reviſion of a bargain

gain made between the Public and that individual, he had expreſſly declared, that a ſolid ground ought to be made out in ſuch a caſe, and the daiſt of his argument had proceeded to ſhew that the Duke of Athol had made out ſuch a ſolid ground.

Sir *James Johnſtone*, in confirmation of his former poſition, that there was no limitation to Parliamentary reviſions, urged the caſe of Lord Derwentwater. Sir James Johnſtone.

Mr. *Fox* having premiſed that two of his honourable friends, with whom he uſually voted, had argued, that, if upon enquiry, it ſhould turn out that too much had been paid the Duke of Athol's family, it ought to be refunded to the Public, added that ſo far from entertaining this opinion, he was convinced that it would be an enormous act of injuſtice to reſume from an individual any part of what the Public had paid him, on a bargain, let it turn out that they had paid him laviſhly and inadequately to ever ſo great an exceſs, and that it made no ſort of difference whether the compenſation given was ſeventy thouſand pounds, and two thouſand a year, or, one thouſand pounds and ten pounds a year. In no caſe could he ſee that money ought to be taken back from the Duke of Athol; but, he could, in ſeveral caſes, ſee that more might be given to the Duke of Athol. He added, that, in almoſt every occaſion of a bargain between the Public and an individual, unpopular as ſuch a declaration might be, he was willing to take the part of the individual againſt the Public, and his reaſon was, that the Public had, in all caſes, a manifeſt advantage over an individval, being conſiderably ſtronger. With reſpect to parliamentary reviſions, there, certainly, was no limitation of time; but, this (he conſidered) ought to obtain as a rule for that Houſe to adhere to; whenever an individual who had made a bargain with the Public, came to aſk a reviſion of that bargain, he was bound not merely to come and ſtate an allegation that the bargain was hard and unfair with regard to him, but to prove that it was ſo in ſome reſpect or other. In the preſent caſe, the Houſe had heard a variety of allegations that the Duke of Athol's family had been injured, but, they had no proof whatever before them, which could warrant their proceeding to enquire. As to the caſe mentioned by the Honourable Baronet who ſpoke laſt, the caſe of the Derwentwater family, he never could hear that matter alluded to without ſtating that the caſe of that noble family was hard indeed; much harder than that of the bargain made with the Duke of Athol. Mr. Fox.

Mr. Chancellor *Pitt* begged leave to remind Mr. Fox, that papers ſtating facts had been preſented to the Houſe, that thoſe papers had been referred to a Committee: that the Mr. Pitt.

Committee had made their report regularly, and that, upon the proofs stated in that report, the present bill had been ordered to be brought in; the House were in possession, therefore, of something more than mere allegations. With respect to the Derwentwater family, the right honourable gentleman, he conceived, did not mean to insinuate that nothing had been done for them.

Mr. Fox. Mr. *Fox* said (across the table) " most undoubtedly I do not."

Sir John Miller. Sir *John Miller* wished the House joy of what they were going to do. They would, he said, have plenty of business upon their hands, if they proceeded to revise every bargain that had been made by the Public with individuals for 26 years past, (as in the case now before us) if those individuals thought themselves injured. He had been applied to, again and again, by persons who made Ordnance and Victualling contracts,—by many Loyalists who thought their compensations inadequate,—by persons who had been obliged to sell landed property to the Commissioners of the Navy or the Board of Ordnance, for the improvements of the dock-yards or the scites of fortifications, under acts of the Legislature,—and by various other descriptions of persons; stating, that they had been dealt with unfairly, and, that undue advantages had been taken of them; but he had constantly rejected all such complaints, being aware that the House could not attend to them without opening a door to endless revisions, and to partial, wasteful, and unjust remunerations.

Mr. Henniker. Mr. *Henniker* remarked that, in the reign of James the First, a royal grant of the sovereignty of the Isle of Man was made in favour of the ancestors of the present Duke of Athol, and that the terms of the grant were an excess settlement of the island on the descendants of that noble family; the act of 1765, consequently violated the act of James the First, and the Public purchased of the then Duke of Athol what, as he held only a life interest in the sovereignty of the Island, he had no right to sell.

Mr. Montagu. Mr. *M. Montagu* considered the present bill as a delegation of the power of Parliament; and feared that they were going to commit that to other hands, which it was their duty to perform themselves. Painful therefore as it was to him, to differ from his right honourable friend near him, he must, on the ground he had stated, object to the present bill.

Sir Joseph Mawbey. Sir *Joseph Mawbey*, having acknowledged that when the bill was first introduced, he had opposed it, because no explanation was given of its object, desired to have it understood that still he had not pledged himself to oppose it any farther. He had listened, with great attention, to the counsel and witnesses, and he thought it was clearly proved that it had been

a hard

a hard bargain, that the bargain had been compulſory, and that the Duke of Athol had been obliged to ſell, in conſequence of the miſchievous bill that was paſſed in 1764, which authoriſed cruiſers to enter the ports of the Iſle of Man, and was a direct violation of the ſovereignty of that Iſland.

Mr. Secretary *Grenville* contended that the act of 1764 was no violation of the ſovereignty of the Iſle of Man, but an act neceſſarily paſſed for the better ſecurity of the revenue, which the Legiſlature of this country was fully competent to paſs. Mr. Grenville declared, that he ſhould vote for the preſent bill, not becauſe it was (as his honourable friend had juſt ſtated) a delegation of the powers of Parliament, but becauſe it would be much more convenient to enquire into the rights which the late Duke of Athol had poſſeſſed previous to his bargain with the Public, by means of a commiſſion for that ſpecial purpoſe, than to do it in that Houſe; but the Houſe reſolved to itſelf its powers by ſo doing, as it would be for them, when the report of the Committee was made, to act as they ſhould then think proper. Mr. Grenville.

Mr. *Montagu* declared that he entertained ſo much reſpect and deference for the underſtandings of his right honourable friends, that their arguments had generally with him the weight of evidence and truth; but being convinced in his own mind, though perhaps he was miſtaken, that the bill would amount to a delegation of thoſe powers to others, which he conceived they ought not to part with, he muſt vote againſt it. Mr. Montagu.

Mr. *Curwen*, after reading from papers the duties payable to the Duke of Athol in 1765 on various articles, in order to enforce his former argument that the Duke's income would now have been no more than nine hundred and fifty pounds from the ſovereignty, ſtated that Government had loſt more than they had gained by the purchaſe; there had been a conſtant deficiency between the revenues and the expenditure, amounting in the whole to eighteen thouſand pounds. Seventy thouſand pounds, and a penſion of two thouſand pounds a year for five and twenty years, were, he was perſuaded, an ample compenſation to the Athol family. Mr. Curwen.

Mr. *Dundas* ſaid he was ſurprized that the honourable gentleman ſhould reſt any argument on the amount of the deficiency, becauſe, if Government, for purpoſes of its own, choſe to keep up a large and expenſive eſtabliſhment in the Iſle of Man, and thereby created a deficiency, was that to be made a ground of reaſoning, that the Duke of Athol did not ſurrender an income of near ſix thouſand a year, when he parted with his ſovereignty of the Iſland? The laws and con- Mr. Dundas.

duct this country had pursued respecting the Isle of Man, since the sovereignty of that Island had been re-invested in the Crown, were not calculated to promote the good of the Isle of Man, but to protect and secure the revenue of Great Britain; and with that view it was that large and expensive establishments were maintained. The honourable gentleman had stated, that, exclusive of the 70,000l., a pension of 2000l. had been enjoyed for twenty-five years, amounting to fifty thousand pounds more. Let that fact be put upon its true grounds; because, that any part of the bargain should be made up by a pension for life, Mr. Dundas said, had ever struck his mind, as one of the strong grounds of hardship which the present Duke had to plead. The sovereignty of the Isle of Man, let it be remembered, was a noble property, clearly descendible and unalienable; it would, therefore have become the property of the present Duke of Athol, if it had not been sold by his father to Government. Let any man look at the situation of the present Duke as he had at that time stood. The present Duke was a minor, and could not defend his own hereditary right. Was it usual in the purchase of hereditary and unalienable property to have no respect to the rights of minors; on the contrary, did not every court of equity constantly take care and protect such rights? There was not a man in that House, he was persuaded, who would stand up and tell him, that the present Duke of Athol had not reason to complain that a part of the purchase of the hereditary property had been paid for by a pension in which he had no personal interest whatever! He was confident no man would venture to do it. Again let them look at the different situation in which the Duke of Athol stood in respect to his manerial rights now, and when the sovereignty of the Isle of Man was in the hands of the Athol family. The Duke of Athol, it was to be remembered, was formerly the head of the Legislature of the Island. That Legislature consisted of the Lords of the Island, the Council, and the House of Keys. The Members of the House of Keys were elected, whenever there was a vacancy, by two persons being presented to the Lord, who chose one; it was fair to suppose, therefore, that he had some degree of influence over a House of Keys so constituted. Every magistrate in the Island was of his appointing, and consequently all his rights, of every description, could be effectually guarded and protected. Was the case the same now? Undoubtedly it was directly the reverse. The Duke had no means of protecting his rights, and those rights were, in various instances, disputed. All he asked, therefore, was a bill of enquiry. Let the Commissioners be who they would,

ſo that they were men of judgement and ability, the Duke would be perfectly ſatisfied.

Mr. *Curwen* made a ſhort reply, ſtating that the preſent revenue of the Iſle of Man aroſe out of duties impoſed by that Houſe, and which the Duke of Athol could not have impoſed through the medium of the Houſe of Keys. Mr. Curwen.

At length the Houſe divided,

Ayes, (for committing the Bill) 63; Noes, 34.

The other orders of the day were then diſpoſed of, and the Houſe adjourned.

Tueſday, 13th April.

Sir *John Riggs Miller* roſe, and ſaid he thought it his duty to acquaint the Houſe, that ſince their late adjournment he had been honoured by a very flattering private letter from an eminent, learned, and very diſtinguiſhed prelate of a neighbouring nation, who had more than once preſided with the moſt marked approbation in the National Aſſembly of France, approving his paſt, and encouraging his future, endeavours to obtain an equalization of weights and meaſures; and that letter was accompanied by a printed propoſition, which had been addreſſed to the National Aſſembly upon that ſubject by the ſame prelate, (the Biſhop of Autun). He ſaid the Britiſh nation ſhould not be deprived of that great man's thoughts and expectations of ſucceſs in the projected regulation, of the means which he propoſes to be employed, and the aſſiſtance which he hopes to receive from the mutual co-operation of the Britiſh and French Legiſlatures in the ſame inveſtigation. Sir John ſaid, it was very flattering to him that the Public muſt hereafter perceive how much there was of coincidence and affinity between the learned Prelate's ideas and his own upon this intricate ſubject, without any prior communication whatſoever between them. The Biſhop himſelf, indeed, had very liberally acknowledged in his private letter, that he took the hint of making his propoſition to the National Aſſembly of France from what had been lately ſubmitted to the Britiſh Parliament upon the ſame ſubject. The cloſing paragraph of that great man's private letter, ſo expreſſive of his patriotic feelings, and of his ardent wiſhes to ſee peace, harmony, and good will, eſtabliſhed between two nations ſo long and ſo unhappily in rivalſhip with each other, to their own miſfortune, as well as to that of a large portion of mankind, does his heart and his head too much honour to be withholden from the immediate notice of the Houſe; and as it will not eaſily admit of an adequate tranſlation, there needs no apology for giving it in his own words: "*Trop long tems les deux nations ſe ſont diviſées pour de vaines pretenſions ou de coupables intereſts, il eſt* Sir J. R. Miller.

"*tems que deux peupels libres associent leurs efforts et leurs travaux*
"*pour une recherche utile au Genre Humain.*"

Sir John said, he should not avail himself of any new lights afforded by the Bishop of Autun's proposition having for some time prior to his being honoured by that prelate's communication, arranged his own ideas upon the subject, which he should now submit to the House, and hereafter to the Public, that the cause in which they were mutually engaged might have every possible consideration, and that the suggestions of the feeble might be discussed at the same time with the opinions of the strong, public utility, being, he was satisfied, the ultimate end and object of both their endeavours and expectations.

Sir John then proceeded to state, that having upon a former occasion asserted, and, as he believed, fully demonstrated to the House under the sanction and authority of the very accurate reports made to Parliaments by its Committees in 1759, that "the legal Standards of this country were at universal variance with each other;" and that from thence arose a compleat and palpable impossibility of the existence of any degree of order or conformity in the weights and measures now in use, so long as that variety in our Standards should be suffered to exist. Sir John said, he should now state generally to the House, that the order of Parliament of the 5th of February, to the Sheriffs and Clerks of the market of the different counties of England, for a return of the weights and measures now in use in the markets of their respective districts, had been in a considerable degree complied with; and that much valuable information had been communicated, and continued to be received, as well through that channel as through the liberality of individuals, and of communities conveying their approbation of the attempted reform, and suggesting their ideas for its promotion. He said he had flattered himself by this time to have been able to have submitted fully to the House the substance of the information that had been received. The lights which that information had afforded, the objects to which it was applicable, and the mode that best suited its application. As under his Motion of the 2d of April, Sir John said, such returns as had been made to that day, by the different Sheriffs, Clerks of markets, and all other municipal officers and magistrates, were already before the House. So he should move this day, that the reports and returns which had come in during the recess of Parliament should be referred to the same Committee, in order to their taking the whole of them into consideration, and reporting their opinion upon the present state of our weights and measures,

and

and upon the neceſſity and means of their future equalization.

Sir John ſaid, the more he had conſidered the ſubject, the more extenſive and entangled he found it to be, and he might ſay of his labour, that *creſcit eundo*; yet ſtill he was not diſcouraged, nor did he ſee room for diſcouragement; the object was a great one, and it deſerved to be ſtruggled with. He wiſhed to clear the ground before him as he advanced, truſting, as he did, that the ſtatement of that day would prove no inconſiderable progreſs towards his final deſtination. The univerſal inequality in the legal Standards, and the almoſt univerſal inequality in the weights and meaſures of this country being fairly aſſumed, inaſmuch as the former had already, and the latter could now be fully demonſtrated. He meant at this time to follow up the former diſtribution of his argument, not finding, upon the cloſeſt inveſtigation of the ſubject, that it would admit of any improvement which it was within his power to beſtow upon it. The third head or object which he had on a former occaſion promiſed to bring under the view of the Houſe was,—"The miſchievous "influence of the inequality in our weights and meaſures, "upon the commerce and upon the comforts of individuals, "as well as of the community at large." This, he ſaid, it was true, was nearly going about to prove a ſelf-evident propoſition; yet his promiſe to the Houſe and his duty to the Public, rendered it incumbent upon him to ſtate, and he ſhould do ſo, with all ſuitable brevity, the moſt acknowledged and prominent miſchiefs that reſulted from it. And for this purpoſe he ſhould divide the conſideration of this object into three parts, examining ſeparately its philoſophical influence upon mankind. In reſpect to the former of theſe, its moral influence—does it not frequently cauſe an honeſt man to injure perſons with whom he has dealings unintentionally? while it tempts and enables a diſhoneſt man to overreach and to defraud his neighbour? Does it not beget diffidence, perplex and vitiate contracts, and render the engagements and the property of the merchant inſecure and uncertain, beſides being a frequent ſource to him of expence and litigation? Judges and Juries are not always diſpoſed, nor are Judges and Juries always qualified, to decide upon mathematical queſtions; and indeed their deciſions muſt almoſt neceſſarily be perplexed and embarraſſed, and it muſt be matter of much hazard whether they injure or redreſs either of the parties reſorting to them for juſtice, from the variety and inequality of our legal Standards. With reſpect to its influence on commerce, Sir John ſaid, did it not interrupt that cordiality, confidence, and good faith, which ſhould always ſubſiſt between the corn merchant and the farmer;

between the manufacturer and his employer; between the inhabitants of towns who purchase, and of the country who sell commodities? Does it not check that spirit of enterprize so useful in commercial nations, suggesting caution to the merchant in his purchase of commodities by provincial weights or measures, which he does not understand, and which, from their variety, may prove less than he has presumed to be, and thereby subject him to deception, accompanied, perhaps, by litigation. The proportion of one commercial weight or measure, either to the legal Standards, or to other provincial weights or measures, does not for the most part admit of a ready calculation.—If the difference were only in the number of the measures, that disagreement could be easily reduced to the Standards. But the dimensions of the provincial measures are different in many places, not only from the national Standards, but even from each other; a difference frequently overlooked, not easy to be ascertained when suspected; and, in some cases, not even known to exist in the very county where such measure is used. Hence those counties whose measures are greater than they are known to be, must, of necessity, sustain loss when they sell or export grain by such measures; and strangers, who dispose of goods at markets where the measures are larger than they supposed them to be, must be injured by their ignorance of that circumstance. The merchant, who purchases commodities in distant parts of the kingdom, may well be ignorant that by the largeness of his own provincial measure he could make as good, and perhaps often a better, bargain nearer home, and thereby encourage the trade of his neighbour with equal or more advantage to himself than by distant engagements, and the expence incurred by the transport of goods from one county to another, is always unproductive labour to society. Those tables which are published by literary men who know not the dimensions, but only the numbers of the measures which compose provincials Standards, are mischievous to society; nor can any correct tables be made until a public examination of all provincial measures shall have taken place. Let us now examine the effects of this inequality in a philosophical light. And here, Sir, we shall find that science is deeply injured by the diversity of measures used in different nations. It is extremely difficult to reduce the measures of one nation, with any degree of certainty or accuracy, to those of another; nay, even of that nation which shall be nearest to it in situation, and most connected with it in commercial intercourse, the different measures of a degree are, for example, (in the same latitudes) owing in a great measure to this cause; and even in the same nation our measurements would agree-

agree better were we confined to our Standard. Now, Sir, let no man affume, that the inequalities complained of have but a flight influence on our commercial tranfactions, and that a man can be only for once materially injured by the greatnefs of thofe provincial meafures of which he is ignorant, as he may afterwards reduce them to fuch as he is acquainted with. This requires a fkill in calculation beyond what we are aware of, and beyond what the inferior orders of men commonly poffefs; and it is a moft important duty of Government to render every fuch complex operation perfectly unneceffary to all its fubjects. The farmer, the merchant, the manufacturer, who fhould refift the propofed regulation, would only furnifh an additional proof of its neceffity. Shall we fupport a commerce that fubfifts by taking advantage of ignorance? our reciprocal wants are the great principle of all commerce, good faith, and confidence, its only fubftantial foundations. Every merchant, and every manufacturer, fhould have no hefitation to fell his commodities, and to employ his money in every market of the empire, relying on the protection of the laws againft all difhoneft and artful actions. As the obtaining one general Standard, which fhall be both perfect and permanent, would open the moft gratifying profpect to the view of the moralift, the merchant, the ftatefman, and the philofopher, inafmuch as it would completely overcome the moft obftinate and intractable difficulty that has at all times oppofed a general equalization of weights and meafures. I fhall next fubmit to the Houfe the beft lights which I have attained upon that fubject, in order to excite further examination, and to promote a general intercourfe and communication, thereby endeavouring to concentrate the exertions of the learned and the liberal upon an object of equal moment and intricacy. With this view, having already ftated the indifpenfable neceffity for one general Standard, I fhall next defcribe the qualities that appear to me to be effential, and the qualities that appear to be only eligible and defirable in fuch a Standard; fubmitting finally to the Houfe thofe objects in nature which are prefumed to be moft likely and the beft adapted to fupply us with a Standard.

Qualities of a Standard.

The qualities of a Standard are of two kinds, viz. thofe which are effential, and thofe which are only eligible. The effential qualities which every Standard fhould poffefs are, that it fhould be taken from nature, or connected with fomething in nature, and not from any work of art, which neceffarily decay; nor from any thing that is merely arbitrary, and which has no other right to be a Standard, than

that

that it is kept in a houſe which is called the Exchequer or Guildhall, and which has certain marks upon it, and a certain name given to it. That this ſtandard be the ſame at all times and in all places, or ſo nearly the ſame at every place as to afford no temptation or encouragement to buy with one weight or meaſure and to ſell with another: That it be capable of being rectified or regenerated by an obſervation taken from nature at any diſtance of time and of place. Now, Sir, is this the caſe with our preſent Standards? No, but exactly the contrary. Our preſent Standards are altogether arbitrary; they have no connection with any thing that it is permanent or uniformly of the ſame dimenſions in nature. 'Tis true they were originally taken from nature; but they were taken from what was fluctuatiug and various, and not from what is uniform and permanent in nature. A barley corn, and an ear of wheat, from which all weights and meaſures now uſed in England were origiuall raiſed, are of different dimenſions under a different culture, when moiſt and when dry, in different ſoils, ſeaſons, and expoſures. Our preſent Standards are therefore not connected with nature, nor with any thing that is fixed or permanent, but are altogether arbitrary, and cannot be rectified hut by a new Standard.

The qualities which are not eſſential, but only eligible, or more or leſs to be deſired in a Standard, are principally that the Standard be of ſufficient large dimenſions, as a very ſmall error is conſiderable on a ſmall ſcale or Standard, while a much greater error on a large ſcale is inconſiderable. It is deſirable that its denominations be in tens, to give it the advantage of whole numbers, or decimal fractions. It is eligible, that it be connected with two things in nature, or be capable of being rectified by two obſervations from nature, that one of theſe may check and prove the other; and that where a man cannot make the one, he may be able to take the other. It is eligible that the Standard correſpond in round numbers with ſome of the weights and meaſures in preſent uſe, either exactly or very nearly. It is eligible that the Standard correſpond within $\frac{1}{400}$ or $\frac{1}{500}$, with weight, and within $\frac{1}{1200}$ or $\frac{1}{1500}$ on lineal meaſures, as theſe laſt muſt be raiſed to the cube for ſolid meaſures, or meaſures of capacity. It is alſo eligible in ſome degree that it correſpond with the weights and meaſures of the neighbouring nations. It is deſirable that, where it does not correſpond with, it may be a medium between the weight or meaſures of other nations. And it is to a certain degree eligible, that the Standard, and its diviſions, and denomination, be ſuch as the neighbouring nations may be inclined to adopt.

DIFFERENT

Different Standards examined, and the properties of the best pointed out.

The following Standards are all taken from nature, and have all the essential qualities of a Standard.

1st Standard taken from a drop of water, of spirit of wine of a certain degree of heat. Supposing that every drop were of equal magnitude, as distilled water or spirit of wine is of the same specific gravity in every part of the earth, if weighed in the same degree of heat, a certain number of drops of distilled water, or of alcohol spirits, might be fixed on for a Standard tun weight; and the side of a cubic vessel, which contained this tun, might be established as the Standard of lineal measure. To render the drops exactly equal, they should be made to drop in the same manner; and a number of persons should be employed at the same time, and in the same room, while one of them kept the temperature uniform. another should count the seconds or half seconds for the fall of each drop. If it were possible in this, or in any other manner, to procure drops of equal dimensions, the peculiar advantage of this Standard would be, that being taken from cubic to lineal measures, the error, if any, would be broken down in making measures of length; while any error in a Standard that is raised from a lineal measure, is greatly increased, before it is raised to the cube for solid measures. This is perhaps the most unexceptionable of small Standards; but it is of too small dimensions, and if there were any error in the dimensions of a medium drop, that error would be increased to a great degree on a tun.

2d *Standard, taken from the admeasurement of the space, through which bodies fall in a second of time.* This is an excellent idea in theory, but cannot, perhaps, be reduced to practice with that precision which is necessary in a matter of this kind.

3d *Standard taken from a degree of a great circle of the earth,* would be a Standard of very large dimensions; it has been proposed to divide this into 60,000 parts, which multiplied by six, will give 360,000 feet for a degree of latitude; one of these divided into twelve parts, may be named a foot of twelve inches, and this last to be made a Standard for dividing a cylindrical foot of water into forty-eight parts, each of which may be named a pound. Here we should have a foot for an invariable and permanent measure, taken from the axe of the world, and from thence a rule for measuring surface, and gravity in solids and fluids. The Astonomers of Vienna have fixed one length of a degree of latitude at 360,000 Austrian feet, which shews that their foot answers to their observations, in dividing the meridian in aliquot parts to infi-

nity, and by that they could have had proportions in weight analogous to their meaſures, had they found a Standard for their fluids. It is certainly a matter of much difficulty to take this meaſure with the neceſſary accuracy. It is not eaſy to make any obſervations on the heavenly bodies ſo exactly as is here a requiſite. And it is alſo difficult to meaſure ſo large a portion of the earth, as a degree of latitude with ſufficient truth and preciſion; but though both of theſe could be done, owing, to the figure of the earth (which is neither a ſphere nor an elipſoid, but a kind of a ſpheriod leſs prominent in the middle latitudes than the elipſoid) the meaſure of a degree of a great circle is different in different latitudes. And from the attraction of neighbouring mountains, the defect of attraction in neighbouring oceans, and owing to the want of an univerſal Standard meaſure, the Mathematicians of different nations have found the meaſure of a degree of a great circle, different in the ſame latitude.

Monſieur de la Caille, and ſome others of the French Academicians and Philoſophers, have, however, come ſo near to truth in this meaſure, that perhaps a combination of the firſt talents of this nation with thoſe of France, poſſeſſed of time, means, encouragement, and eſpecially of mathematical inſtruments of the greateſt accuracy and excellence, may go nearer to ſupply us with a Standard than we are at firſt aware of.

4th *Standard, taken from the length of a Pendulum.* This appears to me to be the moſt proper for a Standard. It is the ſimpleſt, the moſt eaſily obtained, and the moſt accurate. Mr. Whitehurſt's improvement on Mr. Hatton's idea, in taking the interval between two pendulums, deſerves the higheſt commendation from every lover of ſcience. Yet the interval which he has found, viz. 39,892 inches, is not proper for a Standard, as it poſſeſſes none of the eligible qualities mentioned in the foregoing diſcuſſion of Standards; nor is it divided according to the rules before recommended. Many lengths of pendulums might be propoſed, as coinciding nearly with ſome of our weights or meaſures. But the pendulum which vibrate ſeconds at London, is the moſt proper Standard for Great Britain, and a medium for all Europe.

Mr. Huygen's length of the pendulum, by Sir John Moore's reduction, now known to be erroneous, is - - -	39.2. inches.
Mr. Emerſon's, by which he computes his table of the length of the pendulum in different latitudes, - - -	39.131.
Dr. Deſagulier's length of the London pen-	

dulum,

dulum, by which Mr. Ferguson computes his tables, is - - - 39.128.

Mr. Graham's length, found by a nice experiment in 1772, made with a Standard English Foot, - - - 39.126.

Mr. Whitehurst's, deduced from the interval between two pendulums, according to himself, is 39.1196.

Ditto corrected by the Reviewers, who make a deduction for the small rod of his pendulum, 39.1187.

Laying aside the first, as knowing it to be erroneous, Mr. Graham's is nearly the medium between the other lengths, and it is on many accounts the safest, and until a National experiment shall be made, the best. Hence I should propose, "the London Pendulum of 39.126 inches as the "Standard of lineal measure, the square of this length as "the Standard of superficial measure, the cube of it as the "Standard of solid measures or measures of capacity; and "the cube of it filled with rain water of a certain temperature, as a Standard tun, from which all other weights are "to be derived." This proposed Standard appears to possess the qualities, both essential and eligible heretofore wished for in a Standard.

Having now submitted to this House, what I conceive to be the best suggestions, which my own enquiries, or the intimations of others have afforded me, upon the very important subject of a Standard; I call upon the friends of justice, of commerce, and of philosophy, to discuss it as an object not unworthy of their most serious consideration, either by improving the hints which are now proposed, or by the substitution of what may appear to them more practicable and more effectual. For without a permanent Standard, our endeavours can be at best but imperfect: with a permanent Standard, what may we not hope for and expect?

The fourth object of my original plan, viz. "the proposing some immediate corrections of the abuses that prevail through the inequality of our weights and measures," &c. I shall defer troubling the House with to a future opportunity, when I shall also submit to them the objects which the Legislature is bound either to prevent or to promote, by any act or regulation, for the equalizing our weights and measures, accompanied by whatever else shall, in the mean time, suggest itself, in the course of enquiry, that may tend to promote the proposed equalization.

Friday, 16th April

Mr. *Sheridan* moved the order of the day for the House to resolve itself into a Committee on the several petitions, praying for a repeal of the act for excising tobacco.

The order was immediately read, and the Speaker having left the chair of the Houſe, and Mr. M. A. Taylor having taken that of the Committee,

Mr. Sheridan. Mr. *Sheridan* obſerved that, in deſpite of the little conſideration to which ſeveral honourable Members might think the ſubject of the enſuing debate intitled, he felt himſelf thoroughly convinced that the great importance of its nature merited the cloſeſt attention, and the moſt ſerious inveſtigation of the Committee, and, therefore, upon ſuch a ground, he ſhould take the liberty to put in his earneſt claim to the favour of an unprejudiced and patient hearing. The matter, indeed, would ſcarcely admit of being enlivened or dignified by the manner of diſcuſſion; yet, it was deeply intereſting; for, it involved within it points which were exceedingly material to the exiſtence of the Conſtitution itſelf. He was, however, too well perſuaded, that before he could ſucceed in making ſome Members of the Committee view the queſtion in the ſame light in which it appeared to him, there were ſome prejudices which it would be neceſſary for him to endeavour to remove. Of late he had obſerved that, whenever revenue was mentioned in Parliament, it ſeemed to be underſtood that every other conſideration was to give way to it; and that even Conſtitutional principles were made ſubordinate to an encreaſe of revenue. This had grown into a kind of prejudice; and a man would run the hazard of being thought an enemy to the credit of the nation, who ſhould venture to oppoſe a plan, however injurious it might prove to the rights of the ſubject, if it purported to hold out a proſpect of an encreaſe of revenue. Yet, ſtill ſhould he preſume to oppoſe that prejudice, at the ſame time that he profeſſed himſelf to be among the foremoſt of thoſe who were anxious to uphold and preſerve the public credit. He was aware that the doctrine on which this prejudice was founded, had powerful advocates, and was ſanctioned by great authorities.—Mr. Haſtings, among others, had declared himſelf the champion of it, and lent it the weight and credit of his name; for, he had affirmed it, in a ſolemn manner, to be his opinion, that, "Revenue was the end of all Government."—But though this poſition was advanced by ſo great a Stateſman, he would not heſitate to ſay, that it could not be maintained for a moment by any man who had the ſmalleſt regard for the happineſs of his fellow creatures. The true end of Government was to keep mankind together by ſecuring their happineſs, protecting their rights, and inſuring to them the poſſeſſion and enjoyment of liberty and property. Revenue might be uſed as part of the means for effecting theſe deſirable purpoſes, but it would be a perverſion of common ſenſe to call it the end of Government. Theſe perſons who could

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mistake revenue for the end of Government, would, and must consider a National debt as absolutely necessary in every state; and would therefore take care to establish what he must always consider as dangerous to liberty; for, a public debt of any magnitude, produced of course taxes; the collection of taxes required revenue officers; the appointment of these being in the executive government, would necessarily extend the influence of the Crown, and that extension must be at the expence of the rights of the people. He was willing to go great lengths to support the public credit, by encreasing the revenue; but he thought that there were some rights which were above all price, and for the want or loss of which no increase of revenue could be a compensation. There was another prejudice, the fatal influence of which had been experienced more than once in the defeat of laudable endeavours made by friends to their country to oppose what they conceived to be injurious to the people's rights. And this prejudice was, that measures proposed by a Minister were opposed of course by his political adversaries in Parliament, not because the measures were wrong, but because they were his. This prejudice was founded upon an opinion as unjust as it was injurious, and could not, for a moment, stand the ordeal of enquiry. If Gentlemen would look back, and review the proceedings of that opposition of which it was his boast to be a member, they would find, that the persons of whom it was composed, had, upon all occasions, manifested a strong desire to concur with the Minister in supporting the public credit; and that they never attempted to catch at popularity, by contending that taxation was unnecessary. On the contrary, they had always agreed with him, that in the actual situation of affairs, the burdens of the people could not be lightened. Whenever, then, they had differed from him, and condemned any of his measures, the difference was not about the end, but the means, and the issue of their opposition, on various occasions, proved that it was founded on reason, and not in hostility to the Minister. It was to opposition that the nation was indebted for the defeat of the plan, by which the Minister would have placed an excise officer at the mouth of every coal pit in the kingdom; for that must have been the case, if he had not been obliged by opposition to give up the duty which he had proposed to lay upon coals. When one of the most valuable manufactures in the kingdom, the cotton, was endangered by the injudicious excise duty laid upon fustians, and other articles, opposition stepped forward, and by procuring the repeal of that duty, preserved from ruin, one of the greatest sources of trade and wealth to the nation. The shop tax was also opposed; and, after repeated struggles, the Minister

nister gave it up: in that case he must be imagined to have given way to conviction, and not to clamour; and consequently he himself, by consenting to the repeal of that tax, admitted that the opposition to it was well founded. In these various instances, the Committee would see that opposition had not been actuated by factious motives; the success which attended the stand made to those different measures, and the Minister's own conduct in giving up his plans, notwithstanding the kind of parental fondness that he was known, in general, to feel for whatever proposition he had once adopted, proved, beyond contradiction, that the gentlemen in opposition had good reason on their side. The prejudice which he was then combating, was not confined to the House of Commons, but pervaded large bodies of manufacturers, whose spirit had been broken down by the oppression of excise laws.

It was the decided opinion of several of the manufacturers of the very article on which he was to say much before he should sit down, that the act was as oppressive, as absurd, and as impracticable as it had been declared to be by himself and others; and yet they did not dare to join their brethren in opposing it, lest by joining opposition, they should bring upon themselves the indignation of Government, and the ill-will of the Commissioners of Excise. This he could prove by a letter then in his hand, written by Mr. Purvis, of Hull, an eminent manufacturer in the tobacco line, to the Committee of Tobacconists. A passage from this letter Mr. Sheridan read; and it appeared from it that Mr. Purvis, though he had once thought so ill of the tobacco excise act, that he was on the point of quitting the trade; and though, at least two out of the three partners in his house had been on the point of retiring from it, on account of this act, yet he was of opinion that the manufactures ought to acquiesce, "lest by throwing themselves into the arms of opposition, they should draw upon themselves the ill-will of Government."—Such was the mode of thinking and acting into which a free-born subject might be driven by the oppressive spirit of the excise laws. Uncommon pains had been taken, in the public prints, to defame all those who had taken any part in endeavouring to procure a repeal of the tobacco act. And no one had been more distinguished on the occasion than himself. Here he begged leave to apologize for speaking concerning himself; he at all times disliked egotisms, and more so, on the present occasion, when the attension of the Committee was to be taken up with the consideration of important subjects; but, still, as it was the part which he had taken in this business that had drawn upon him the ill will of those who had traduced him, and as they had

had connected his personal character with the important business in which he was then engaged, he hoped that the Committee would suffer him to trespass, for some few minutes, on their patience, whilst he should proceed to a few remarks upon the attacks that had been made upon him. Those who made those attacks had gone out of the common path, and instead of pursuing the old sober staple of abuse, had descended to the lowest scurrilities, and fallen without mercy not only upon his public conduct, but also on his private life. They had made charges of a singular nature, and endeavoured to rob him of the esteem and friendship of those whom he valued most in society. Fortunately, however, their charges were as void of truth, as they were fraught with malice. He had, hitherto, treated them with contemptuous silence, and would have continued, in this disposition to the present day, if he had not felt some reason to think, which reason he had not heard till a few hours ago, that some of those charges were considered as founded in truth. What he more particularly alluded to were, whispers or reports of jealousies among some of his dearest friends, and of a certain opposition affirmed to have been made by a noble Duke (of Portland) against some views or expectations, which he (Mr. Sheridan) was said to have entertained concerning such whispers and reports, he could truly declare, that there was not in them one grain of truth. The opinion which they ascribed to the noble Duke had never been entertained by him. Mr. Sheridan observed that he would not venture to state to the Committee the opinion that the noble Duke was pleased to entertain of him, lest he should be accused of vanity in publishing, what he might deem highly flattering: all, therefore, that he would assert on this occasion was, that if he had it in his power to make the man, whose good opinion he should most highly prize, think flatteringly of him, he would have that man to think of him precisely as the noble Duke did; and then his wish on that subject would be most amply gratified.

The jealousies to which he was described as having given occasion, existed only in the brain of the traducers; they did not, they could not exist any where else [here, Mr. Fox exclaimed out, "Hear him! hear him!" in a tone of approbation]. He was, therefore, perfectly at his ease, whilst the traducers were propagating their calumnies. He defied any man to charge him with any one act which could be tortured into a violation of any engagement founded in honour and integrity. If he could be charged, in truth, with any dishonourable, mean or unmanly act, he should feel very differently indeed; his mind in that case would sting him more than the most bitter reproaches of his most calumniat-

ing enemies. As to any pretensions which might be ascribed to him to situations far beyond his natural weight in the community, he would only observe that it was the peculiar excellence of the British constitution, that a man could push forward into notice and distinction the talents or abilities, whatever they might be, with which Providence had endowed him. Mr. Sheridan, at length returning to the system of Excise, said, that he then held in his hand a book, which contained only *ten* acts of Parliament for enforcing the Excise; and he was bold enough to declare, that in no age, or country, had the most fell despotism pursued measures more tyrannical, more cruel, or more oppressive than those which were to be found in that book. Despotism, he admitted, had oppressed, and dealt in cruelty in all ages; but never had it assumed the robe and form of law, and built up such a system of oppression as that book exhibited. It would prove an endless task to point out the various instances which had come to his knowledge of the oppressive spirit of the Excise laws. He would, therefore, content himself with one. An eminent distiller, of a very fair character, had occasion to dispute a judgement by which a quantity of spirits had been seized and condemned as being above proof. He maintained that they were not above proof; that Clarke's hydrometer, by which they had been proved, was faulty; and that if the spirits were tried by accurately-made hydrometers, they would be found to be such as the law required them to be, and consequently not seizable. The case went to trial, and turned out to be precisely as the distiller had stated it to be; Mr. Clarke admitted that his hydrometer was faulty, and requested that the Commissioners of Excise would give him leave to amend and correct it. But, instead of listening to a request so reasonable and just, they procured a clause to be inserted in a hotch-potch bill, by which it was enacted that Clarke's hydrometer should in future be the legal standard for trying the strength of spirits. This hydrometer was acknowledged by its maker to be faulty; and yet the Commissioners, so far from granting him leave to amend it, applied to Parliament for an act which sanctioned error, and legalized falsehood and oppression.

This single instance must give the Committee an idea of the spirit of the Excise laws; and yet the idea would be faint, and fall infinitely short of the reality. If, in the course of a trial, it was found that a person whose goods were seized, had been able to recover them, a new clause or act was proposed to meet this particular case; so that the system of Excise laws was not founded on any general principle, but on particular cases, and, in its progress, it advanced regularly from a lower to a higher degree of oppression. Thus, for instance,

ſtance, in the reign of Charles II. when the Exciſe laws began firſt to appear, great caution was uſed to ſecure the liberty of the ſubject from being wantonly abuſed. In the firſt inſtance, an Exciſe officer could not break into a houſe, without an information upon oath, without a warrant from a Juſtice of Peace, and the preſence and attendance of a conſtable; and no houſe was, even with all theſe precautions, to be entered by an exciſeman in the night. But, by degrees, all theſe barriers erected for the protection of liberty, were beaten down; the warrant from the Juſtice was diſpenſed with, ſo were the information upon oath, and the attendance of a conſtable; and at laſt the officer might enter in the dead of night; nay, ſo far had the ſpirit of deſpotiſm been carried, that in the very preſent Adminiſtration, a clauſe was inſerted in an act for empowering even a reputed officer of exciſe to enter a houſe by night, without warrant, or preſence of a conſtable. [Here the Attorney General looked ſurpriſed, and as if doubting that ſuch a clauſe could have paſſed.] But Mr. Sheridan ſaid it certainly had paſſed, after having been ineffectually oppoſed by himſelf and a worthy and reſpectable Member for Saliſbury (Mr. Huſſey.) It was ſo groſs an act of deſpotiſm, however, that during the next ſeſſion of Parliament it was repealed. In all the caſes of trial under the Exciſe laws, the officers and the tradeſmen were not what they ought to be in a free country—they did not go into court upon equal terms. It was the boaſt of the Engliſh conſtitution, that the higheſt and the loweſt ſubject in the land met in a Court of Juſtice on terms of equality; but this equality was deſtroyed by the Exciſe laws. If goods were ſeized, the owner became obliged to prove that they had paid the duty; but the officer was not likewiſe reduced to the neceſſity of proving that they were ſeizable, until the owner ſhould have eſtabliſhed grounds that a jury might deem ſufficient to warrant and call for the reſtoration of them. The officer could bring his action within three years, the trader within three months; and the latter was compelled to give notice in writing of the grounds on which he intended to proceed; and he was reſtrained, at the time of trial, from bringing any freſh ground, or giving any evidence which he had not ſpecified in the notice: and, after all, though the jury ſhould, on finding the conduct of the officer to have been vexatious, malicious, and oppreſſive, give the trader five thouſand pounds damages, yet, if the Judge ſhould certify that there was probable ground for the ſeizure, the damages thus given by a jury, might be reduced to twopence. Here it might be ſaid, that the character of the Judges would not ſuffer a man to ſuppoſe that any of them would favour the Exciſe officer, at the expence of juſtice. He, for one, thought

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as highly as any man of the integrity and patriotifm of the prefent Judges; but he did not conceive it fitting that the liberty and property of the fubject fhould ever reft upon mere confidence in the character of individuals; thofe who would have him to fubmit to fuch a predicament, would only alarm ftill more his jealoufy. It might, perhaps, be contended, that the fting of the Excife laws was taken away by the moderation with which they were executed; and an honourable and learned gentleman (the Attorney General) had faid, on a former occafion, that, in point of fact, not more than feven and a half per cent. was levied of all the fines and penalties incurred by the traders under thefe laws. He admitted the moderation of the Crown Lawyers; but this very moderation was a ground for an alarm; for it fhewed that thofe who incurred penalties under the Excife laws, held ninety-two and a half per cent. of their property at the will and pleafure of the Crown, and confequently were obliged to fubmit to any thing, rather than offend the Government of the day, by whofe forbearance alone they enjoyed fo confiderable a portion of property, which might be exacted and taken from them, under the name of penalties and fines. Lying thus at the mercy of Government, their fpirit was broken down; and in point of fact they became lefs good citizens and fubjects than they were before. Upon this occafion, it would be expected that he fhould make fome remarks concerning the trial by jury, particularly as it was mentioned in all the petitions then on the table. If there was any human inftitution which a man might be permitted to idolize, even with the enthufiafm of fuperftition, it was the trial by jury. But if it was to be continued upon no other principles than thofe of the Excife laws, he fhould not deem it worth preferving; nay, he thought that in the end it might become dangerous to the community. Men who were accuftomed to fee the numerous hardfhips and oppreffions which were always the forerunners of a trial on any of the Excife laws, muft, in the end, become familiarized with oppreffion, and lofe much of the horror which it at firft infpires; and finding their verdicts frequently fet afide by the certificate of a Judge, they muft, of courfe, feel lefs anxiety about endeavouring to apportion the damages to what they conceive to have been the extent of the injury done to the trader, when, after all their pains, the Judge might reduce them to twopence. If the Minifter wifhed to make the trial by jury what it was intended by the Conftitution, that it fhould be a fhield againft oppreffion, he would have him not merely grant an appeal from the decifion of the Commiffioners, which would be attended with the bad confequences that he had juft defcribed, but reform the whole fyftem of proceeding in Excife

cise cases, and place the trader contending with the Excise officer on that footing of equality, without which, justice could not be obtained. Under the present system, an option of trial by jury in the last instance, would prove but a mockery. Let the preliminary hardships under which the trader labours be removed, and then he might have an equal chance for justice with the officer, which no one could say that he enjoyed at present. Exclusive of lying, as the traders do at present, so much at the mercy of the Commissioners, holding as they do ninety-two and a half per cent. of the penalties incurred under the Excise acts, at the mercy of those Commissioners, how often would they dare to assert their right, and endeavour to do themselves justice, when, by attempting to do so, they might expose themselves to the resentment of the Board, and to consequent ruin? Mr. Purvis exhibited a striking instance how a man's spirit might be broken down under such circumstances. He, like other tobacconists, reprobated, in the strongest terms, the act for excising tobacco; and yet he would not venture to join them in endeavouring to procure a repeal of it, lest he should expose himself to the vengeance of Government, by resisting one of its acts, and excite their indignation by applying to any gentleman in Opposition to lend his aid on the occasion. The Officers of Excise, without any one motive to treat with respect the liberties of the people, had some temptation to endeavour to destroy them. The Legislature had deprived those officers of their elective franchise, by an act for which, it was true, he himself had voted; but where he did vote for it, he gave way to the high opinion which he entertained of those who had proposed it, rather than to the dictates of his own judgement; for he held the birth-rights of men to be too sacred a property to be taken from them without evident necessity. However, so it was, that all persons employed in the collection of the revenue, were so far disfranchised, that the Legislature would not suffer them to vote for Members to serve in Parliament. Smarting under this disfranchisement, they might go forth in the pleasing hope, that they should have opportunities of revenging the affront they had received, by harrassing and oppressing others; these were the persons who were to be the public spirited destroyers of smuggling, and the restorers of fair and honest principles of trade. He would leave it to the Committee to judge how well qualified they were for such a task. How could degraded teachers, reprobated reformers, and excommunicated missionaries, introduce a new system of fair dealing! They were sent forth with brands upon their backs, and scourges in their hands to put down smuggling, and establish a system of commerce equally useful to Government and to the trading interest.

As to the country gentlemen, they had of late seemed to think that questions of commerce did not regard them; that in such questions they had no interest; and that the trading part of the nation was bound to attend to them. But this was a very wrong opinion; and he could prove to them that not only they had an interest in all questions of trade, but that they had a greater interest in them, than even the merchants and traders themselves. This proposition was not new; it had been first advanced by Mr. Locke, a man whose opinion would be received as authority in the House of Commons, and in all other places whatsoever. Would the country gentlemen please to explain in what manner they thought that the national debt was to be paid off? At present, the land stood pledged for the payment of it; and as it did not suffice for the discharge of so immense a debt, the surface of the land, the flocks and herds that grazed upon it, the ore dug from its bowels, must stand mortgaged for ever for it, unless redeemed by that which bids defiance to space or time—the inexhaustible resource of trade, pushed on by the irresistible energy of enterprize, under the management of inviolable fidelity to engagements, and directed by the wisdom of the Legislature to the most eligible objects. It was trade alone, then, that could relieve the land from the immense burden of debt under which it groaned; and therefore, the country gentlemen were deeply interested in every question of commerce; and more so even than those by whom commerce was carried on. In general, the traders had not a permanent or hereditary interest in trade: it was their wish to get out of it as soon as they could; and therefore, they might pursue such measures as would speedily enrich themselves, but leave trade not worth the pursuit of those who might come after them. Yet the case was different with the land owners; as they must wish to see the land freed from the incumbrances of public debt, and as this could be done only by trade, it was their interest to take care that no measure was pursued which could check or cramp its operations, either at present or hereafter; and consequently there was not a set of men in the nation so much bound to resist the shackles imposed on trade by the Excise laws. Mr. Sheridan observed, that it was not his intention to say much about the manner in which the act for excising tobacco was framed, though he might be tempted to animadvert severely upon it, the House being in a Committee, and the Speaker not being in the chair; yet, were he to say that the act was "a heap of contradictions and absurdities, thrown together by some person who could write but could not read," some gentleman might not fail to call him to order, and tell him that it was disorderly to allude to what had passed in another place, and

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that he must not state the highest law opinion in the kingdom on this act, because that opinion was given in a place to which the rules of the House would not suffer its Members to allude.

The Treasury seldom gave itself much trouble about the formation of bills of revenue, but left it generally to the respective public boards to frame them. The process was much like that of the manufacture of tobacco. The bills were presented in the stalk or short cut to the Boards by some of the chief members; there they were dried, and thence sent to the Treasury mill to be ground and sifted; they received a little infusion in a preliminary and recommendatory speech from one of the great Law officers of the Crown, and then an application was made to the House of Commons, as merely for a permit. Such was the usual process, from which who could expect a complete and perfect manufacture? Mr. Sheridan observed that, from the mass of evidence which had been given on the subject of this act, he would draw two conclusions, to which he was convinced that no honest man, listening only to the voice of reason, could refuse his assent. One was, that the act, so far from being calculated to prevent smuggling, absolutely encouraged it, and provided a secure asylum to protect its growth. The other was, that the operation of the act must necessarily end in the destruction of the fair and licit trade, and the establishment of smuggling on its ruin. He next remarked, that it was scarcely possible for any man to point out clearly, and beyond all doubt, in what part of the kingdom the trade of a tobacconist might be carried on; for the clause respecting this in the act was enveloped in such obscurity, that a man could hardly guess at its meaning. In all other businesses, the officer was obliged to go to the manufacturer; but, under this act, the manufacturer was obliged to go to the officer; the mountain was compelled to go to Mahomet. It might be imagined that the Board of Excise would rest satisfied with the power of sending its officers to break into our houses at their pleasure; but that, it seems, is not enough; we must carry our houses to them, that they may kick open the doors at their leisure. They say, "Bring us that mill and stream from the valley; "we cannot go so far from home to survey it." But such language was warranted by the principle of the act, which would not suffer the manufacture to be carried on, except in cities and market towns within five miles from the coast. It was obvious that the act would totally destroy the export trade of manufactured tobacco. It limited the exportation to the island of Jersey, and left it in the power of the Commissioners of Excise, who should export it to Jersey; as the act provided, that none should be at liberty to export, with-

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out a license from the Commissioners, who were not bound to grant it to the first who should apply for it, but might give it to any favourite or favourites whom they chose to select from among the manufacturers at large. The ground of the limitation was observed; it was, that the manufacture might not be smuggled back into England from Jersey: but this was a poor preventive against smuggling, as the people of that island could provide themselves from Holland or America with any quantity for which they could find a vent. The export trade to foreign countries must be greatly injured, if not totally destroyed, by the act. In the first place, the price paid for licences was proportioned to the quantity of tobacco manufactured, and consequently, it ought to be considered as a tax, which must raise the price of the article in the foreign markets. This was contrary to every sound principle of trade, which condemned all burdens laid without absolute necessity on articles of exportation. When the shop-tax was proposed the right honourable gentleman respected this principle; for he exempted from it all persons keeping warehouses, and carrying on an export trade. The present act, militating against that wise principle of commerce, ought, therefore, to be repealed, as tending to injure our foreign trade. There was another way in which this act would injure, if not at last destroy, our export trade of manufactured tobacco; and that was, that if a tobacconist was in the act of getting ready to execute an order from abroad, he must suspend his work, if the Excise officer should come to take a survey; he must attend him whilst weighing the stock; and many hours, perhaps some days, being lost in this business, the vessel in which he was to ship the goods ordered by his foreign correspondent being probably obliged to put to sea in the mean time, the order is lost, and so perhaps is the customer, for ever. For, not to be subject to such disappointments, he, perhaps, will send his order to some other country; and thus, in the end, might this valuable branch of trade be transferred to some other nation, and lost for ever to this. Next, as to the encouragement which the act gave to smuggling, though its avowed object was to suppress it. Formerly, the difficulty which attended the smuggling of tobacco was, that even after it was landed and housed, it was still liable to seizure. But this difficulty was completely removed by the present act; for, the moment it got under the roof of the tobacconist, it was as sacred as if it had paid duty; the very officers of Excise who had been examined at the bar, had all admitted that there might be great quantities of smuggled tobacco on the premises of the manufacturer, without their knowledge; nay, that they might see it without being able to seize it. From papers then on

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the table, it appeared that there were 337 wholesale dealers in manufactured tobacco, and 60,000 retail dealers. Formerly, the smugglers could deal only with the former; but now, as every country retail dealer was a manufacturer, and could have smuggled tobacco in his house, without any danger of its being seized, the act of course increased the possible customers of the smugglers from 337 to upwards of 60,000. The obvious consequence of the hardships of the act would be, that the great manufacturers would feel themselves reduced to the necessity of quitting their trade. The obvious consequence of the increased number of customers to the smugglers, would be the ruin of the revenue, which this act was to make more productive. Among the many hardships of the manufacturers under this act, there were two of a very serious nature. One, that from the nature of the atmosphere, the manufacture might, from the moisture or dryness of the air, lose or gain more in weight, than the table laid down in the act allowed. What, then, was the manufacturer to do? He could not answer for the state of the atmosphere, and if his goods had decreased in weight through heat, or increased through moisture, without any act of his, to a degree beyond the standard established by the act, then was he liable to ruinous fines and penalties. The Commissioners, before they could, in justice, levy these fines, ought to ascertain that the weather will always be in that precise state of heat or cold which the act supposed it would be. They ought to make Christmas give security for frost; take a bond for hot weather from August, and oblige damps and fogs to take out permits. It was true that it had been observed, that where the increase or decrease, beyond the allowed table, appeared to have been really the effect of the weather, and not of any intention in the manufacturer to defraud the revenue, the Commissioners ordered the goods, if seized, to be restored and the penalty remitted. But he had two strong objections to this exercise of illegal mercy by the Commissioners. First, it gave them a dispensing power, which Parliament had not thought proper to allow even to the King. And secondly, this dispensing power might be used to very bad purposes. When the law was harsh and severe, and the executive power indulgent, and willing to soften its rigour, the people would be led to dislike their own representatives, who could pass a rigorous law, and to fly to the Crown for relief against it. If a dispensing power could be tolerated, it must be when the benefit of it was general, and extended, without exception, to every class of subjects without distinction; as was the case when an act of Parliament ordered that all vessels that were of a particular construction should be destroyed. It was soon discovered that the execu-

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tion of so impolitic a measure would ruin thousands of poor fishermen on the coast, whom the Legislature had not within their contemplation at the time when the act was passed, though the letter extended to them as well as the smugglers who were the objects of the act. What could prove more impolitic, than to pass any act, which, in the execution, would ruin the country? It was wrong that the executive Government should be so careless in preparing bills as to propose such as it must afterwards (by what might perhaps be called a not illaudable violation of the constitution) not suffer to be executed. In the case of those fishing boats, however, the evil was not so great, because the dispensation was general, without any respect for persons. But in the case of remitting fines to manufacturers who should have incurred them, an inquisition might be set on foot into the life and political principles of each individual, and those only might feel the indulgence of the Commissioners who should be found to be the friends and supporters of the subsisting administration. Were a man whose stock had encreased or diminished beyond the standard table in the act to attend the Commissioners, and assure them that the weather alone had occasioned the encreafe or decrease of the article, and that no fraud whatever had been used on the occasion, the Commissioners might say to him, "Sir, you need not give yourself so much "trouble to prove your innocence, we see honesty in your "orange cape."

But should a person of quite a different side in politics attend for the same purpose, the Commissioners might say, "Sir, you are not to be believed; we see fraud in your "blue and buff, and it is impossible that you should not be a smuggler." Perhaps (Mr. Sheridan remarked) he should be told that it was not liberal in him to suppose that the Commissioners would be capable of acting in this way; but he was warranted, by the authority of the law, in entertaining a constitutional jealousy of men, whom the law considered as unfit to sit in Parliament, or vote at elections, on the supposition that they were not free agents, but under the influence of the Crown. When the manufacturers were under examination at the bar, they had not let fall any expression which might intimate that it was their intention to quit the trade, if the act was not repealed; they thought that such an intimation would not be decent in them, as it would appear like a threat; but what their respect for Parliament would not suffer them to utter at the bar, they had said to him in private; and he believed he might assure the Committee, if the bill was not repealed, the tobacco manufacture would be lost to this country. Indeed the evidence of Mr. Baker, who made the cutting machines, proved that the

danger was nearer than gentlemen might apprehend; it proved that orders from abroad for those machines had encreased, whilst the home orders had greatly diminished. One hardship, perhaps, greater than any other, considered in a mere commercial light, which the manufacturers suffered under this act, was, that the mysteries of their trade were laid open, to the irreparable injury of their families and fortunes. Of the value of some of these mysteries the Committee might form an idea, when they recollected that it had been proved in evidence that one manufacturer had refused 20,000l. for the disclosure of a secret in the manufacturing of tobacco peculiar to himself.

Mr. Sheridan now asked the Chancellor of the Exchequer, what were the mighty advantages gained by the revenue, which could be considered as a compensation for such hardships and encroachments? To shew that the advantage to the revenue was not such as could induce the Legislature to continue so oppressive an act, he calculated what the customs on tobacco had produced before the act; and what the customs and excise on the same article had produced since. In the first winter half year, after the act passed, the produce was 294,000l., the produce of the second, or summer half year, was about 317,000l., in all 611,000l.; from which about 51,000l. should be deducted; because, though having been actually levied upon the article within the year, it was for several reasons not to be considered as likely to prove a permanent part of the gross produce of the revenue on tobacco, but rather as occasioned by a temporary cause, which probably would never return; this would reduce the revenue on this article to 560,000l., which was just 25,000l. more than was collected on tobacco before this act passed. Would any man, to whom the rights of the people were dear, for so insignificant an increase of revenue invade those rights? but above all, would he, for such an increase, risk the loss of the whole? which he verily believed would be felt if the act was not repealed. If the Minister wished to avail himself of the resources which he could still find in a new regulation of the revenue, he might raise a very considerable supply without laying any fresh burden upon the people, or abridging their liberties. In the customs there were great room for improvement if the Treasury would give up its patronage. He did not mean "to disclose the secrets of the prison-house," from having been in it. But every one knew that the business of Excise was better conducted than that of the Customs, merely because the patronage of it was in the Board of Excise, which was responsible for the conduct of all its officers. But in the Customs it was different. The coasts of the kingdom were parcelled out into various districts; and persons were ap-

pointed to those districts by the Treasury, not because they had superior ability or merit, or were disposed to shew themselves enemies to smuggling, but because they were recommended from quarters in which recommendation, on account of election interests, was irresistible. He meant not to cast any particular reflection on the present Treasury Board; its conduct on this head was perhaps the same as that of all Boards which had gone before it. All he meant was, that if a Minister would dare to be bold in the cause of his country, he might make the customs infinitely more productive than they were at that moment.

Towards the close of his speech, Mr. Sheridan mentioned a hard case, perhaps little known, of a gentleman's coach and horses being liable to be seized if he took two pounds of snuff with him into the country; and that they were forfeited if seized after five o'clock. He declared that he saw no reason why the house of the honest, industrious manufacturer should not be as safe and as sacred as the proudest mansion.

He instanced the spirited conduct of Mr. Eddowes of Chester, who, at the expence of a great part of his private fortune, had maintained a contest with the Corporation of Chester, on a public occasion, in which he had no other interest than a desire to check oppression, or what he thought oppression. That Mr. Eddowes, (whom he would shew to a foreigner, and say, this man has spent the income of a petty German Principality, to do a public justice) after being examined at the bar of that House, and saying, that he had been obliged to deceive the officers, was treated with an agreeable companion in a stage coach the next day, who proved to be an Exciseman, and who, the day after their arrival at Chester, kept him fourteen hours in his manufactory weighing his stock. Mr. Sheridan conceived that the naval service of the kingdom might, with honour to itself, and great advantage to the nation, be employed in the collection of the revenue. Though he was of opinion that the Tobacco Act ought to be repealed, still he did not intend to make a motion to that effect; because the Minister might then say that he would modify the act, and render it less objectionable; but his object was to withdraw the tobacco totally from the management of the Board of Excise. Upon this principle, it was his intention to move a proposition that should shew that it ought not to be excised at all. Mr. Sheridan now concluded his remarks by moving the following short resolution: "That the survey of the Excise is inapplicable to the manufactory of Tobacco."

Mr. Pitt. Mr. Chancellor *Pitt* observed, that although the honourable gentleman, at the conclusion of his speech, had so far changed his ground as to warrant the position that "the sur-

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" vey of the excise is inapplicable to the manufactory of to-" bacco," yet, at the outset, he had carried his argument " exceedingly beyond the extent of his motion. If he had, last year, entertained an expectation that applying the Excise laws to tobacco, would prove a desirable measure, he was confirmed in that opinion by the experience, short as it was, which the few months had since passed, had afforded him, and every reason which had induced the House to pass the bill of the last session, he was confident, would now come before them considerably strengthened, and urge the propriety of its continuance with irresistib'e force. The chief turn of the honourable gentleman's argument had, the Committee would observe, been directed against the whole system of Excise, a system which raised no less a sum annually than six millions and a half of the revenue, and without which system, he believed, neither the resources of the country, nor the ingenuity of man, would be competent to raise so considerable a sum. The honourable gentleman, though arguing so generally against the Excise, had in his motion, stopped short, and objected barely to the Excise on tobacco. The honourable gentleman, while he was eagerly contending for equal justice, and for the general enjoyment of a trial by Jury, had in his motion, omitted all who were concerned in the various processes already subject to Excise laws. He was willing to leave the manufacturer of malt, the manufacturer of s pe, the manufacturer of starch, the manufacturer of candles, and the dealers in wine and spirituous liquors, subject to all that intolerable tyranny and oppression which he had described with so much energy and eloquence. The honourable gentleman had invoked the regard which every man felt for the Constitution, because 337 manufacturers of tobacco, who, themselves proposed last year, the extension of the Excise to all dealers in tobacco and snuff, upon a proposition that the Excise should not attach on the mannfacturer, were to be, where they were not before. If the tobacco act were to be taken up on general principles, the Chancellor of the Exchequer said, he was at a loss to know how it applied to the Constitution more than any other Excise bill, passed at any former period, and therefore stopping short as the honourable gentleman had done, and confining himself solely to the tobacco act, his argument was inconsistent, imperfect, absurd, and contradictory. He hoped to find that there were no persons desirous of instilling the principle which could only go to destroy the credit of the nation, and by annihilating the revenue, force us to a public bankruptcy. If the revenue were once overthrown, it would not only destroy that happy and envied contrast between us and the nations in Europe, but place us in a situation below the pity of other powers,

and even beneath that neighbouring nation which was at this time in a condition the most distressful, and which most entitled her to compassion. No person, he should conceive, would deny that the general system of Excise, temperately pursued, was too useful and too advantageous a means of collecting taxes to be rashly or lightly abandoned. He would state as shortly as possible what he imagined to be the general system of Excise: It was the empowering an officer to weigh and measure the stock of the manufacturer of any particular commodity from time to time, so as to enable the officer to judge whether the manufacturer had made any increase of his stock; and it naturally followed, that in this system when the duty was estimated, and out of the charge of the officer, part or the whole of it was liable to be removed and altered, unless the officer had power to watch over their transit, to collect the duties as fast as they arose, and to enforce their collection in a summary way; and in order to secure some relief to the tradesman from the possible oppression or overcharge of the officer, a summary jurisdiction was provided, and thence the true reason of that species of jurisdiction which was the only one which could possibly apply to the nature of the case. The honourable gentleman seemed to doubt whether trials by juries were necessary or safe in cases of Excise; he doubted also: if a means could be devised of rendering that sort of jurisdiction safe and applicable, no man would be more happy than he should to adopt and apply it to cases of Excise. The honourable gentleman had remarked, that many parts of the Excise system were defective, and flagrantly unjust. He wished the honourable gentleman had specified those parts. He had said indeed, that persons had been deprived of a considerable part of their property, under the operation of the Excise laws. He had it in his power to give the honourable gentleman some information respecting the subject. The Chancellor of the Exchequer then produced an account of all the prosecutions that had been instituted on the subject of Excise within a given period of time. The number of informations tried had been 5000, and the whole of the penalties and forfeitures on the London prosecutions amounted to 3,565l. If the penalties levied in the country were levied in the same proportion, the whole would be 7000l. upon a public revenue of six millions and a half. This he considered as a strong proof that the summary proceedings of the Excise were not very oppressive, and it by no means justified the general and unexplained clamour attempted to be raised throughout the country. There were, however, other summary jurisdictions in the kingdom, entirely independent of the revenue, such as the Magistrates; the penalties from which, for the same time, amounting to

twenty-six thousand pounds. The Chancellor of the Exchequer contradicted the assertion, that the present act had injured the export snuff trade. It was his duty, and the duty of that House, to receive, with a considerable degree of caution and doubt, the evidence delivered at their bar; he meant no reflection on the gentlemen; he believed they were very worthy men, but they might have been actuated considerably by prejudice, which naturally might be expected to have arisen in the minds of persons obviously interested. He doubted not but they were under some inconvenience by the act. Every man put out of his way felt an inconvenience at first, but time and experience accustomed him to it. Assertions, however, that they could not carry on their trade he should not easily credit, because he could not help thinking that the tobacco manufacturers had felt an interest adverse to the revenue, a fraudulent interest, that was directly at war with the interest of the public. The honourable gentleman had said, that no commerce had increased or prospered under the Excise; he declared the assertion was notoriously ill founded. In contradiction to that assertion, he referred the Committee to the late Excise on wines; gentlemen would also recollect, that when the wine was proposed to be put under the Excise, the trade unanimously declared, that if such a law should be made their ruin was inevitable. The fact, however, had proved otherwise; for instead of ruining the fair trader, it had nearly doubled his consumption, the imports being now annually twenty-six thousand tons; and, before the Excise, but thirteen thousand tons were legally imported in a year. He had one more reason for doubting the evidence of the tobacconists, and that originated with the honourable gentleman, who had compelled him to believe that there had existed a fraudulent collusion amongst the manufacturers; for the honourable gentleman had stated that the manufacturers were, before the act, the only medium for conveying the illicit tobacco from the smuggler to the consumer; and taking this for granted, and the statement of the tobacconists themselves, that eight millions of pounds weight were annually smuggled, the consequence would then evidently appear, that for years they had divided among them 400,000 pounds sterling, of which sum the revenue had been defrauded; and, if an average could be taken, each man's share of this plunder was more than a thousand pounds annually. The House being in possession of this notorious and direct fraud, he was sure it was not asking too much of them to weigh well the evidence before they decided against the remedy already provided for the evil. He mentioned the mildness with which the act had hitherto been carried into execution; no penalties having been

been levied where the officers had been satisfied that the encrease arose from no bad cause. The honourable gentleman thought proper to contend that the tobacco manufacturers' spirits had been broken by being obliged to go to the Excise Office; but he could not believe that the spirits of any honest man were ever broken by being obliged to prove his innocence. Mr. Chancellor Pitt mentioned the case of Sales and Pollard, whom the honourable gentleman had represented as more hardy men, and who had disdained to have concealed their increases. There was a good reason for it; they were conscious they had committed no fraud, and no penalty was levied. The Committee of the manufacturers had made what they termed an abstract of the evidence, and done him the honour to send him a couple of them, one of which he held in his hand. In that abstract, Mr. Postlethwaite had copied an erroneous statement of encreases for fourteen years, made by him in delivering his evidence relative to an article of roll or twisted tobacco. The Chancellor of the Exchequer explained the nature of this mistake, and grounded some reasoning upon it, to prove that manufacturers, (the most ingenious and able of whom Mr. Postlethwaite undoubtedly was) who could state such an error in print a second time after it had been once pointed out to them, were men concerning whose correctness in their evidence some doubt might reasonably be entertained. He thought Mr. Postlethwaite a man not only well acquainted with the trade of the country, but conversant in many of its advantages; yet still he considered it no aspersion on Mr. Poklethwaite's character if he said, that, in this instance, being liable, as all men are, to the frailties of their nature.

"Nemo sine vitiis nascitur."

He was governed by that passion, and he could not but divest himself of his discretion when his interest was at stake.

"The ruling passion, be it what it will,
"The ruling passion governs nature still."

To the honourable gentleman's (Mr. Sheridan) argument relative to the manufacturer having it in his power to mix smuggled goods with his work or manufacture, and in the course of his argument had asserted, that the officer dared not weigh, it was sufficient to answer, that if he had ground of suspicion that there was smuggled tobacco the officer might insist on weighing it, even although the manufacturer wished the contrary. The officer weighed it at his peril, and the manufacturer was open to legal decision. As to the argument about the discovery of the mysteries, and the great danger of the manufacturers' secrets being exposed, which the honourable

honourable gentleman laid so much stress upon, and that so much might be had for the purchase; if the secrets were ever of such great value, he declared he should think the value had ...dy sunk to nothing, because, if the mystery was any thing more than some chemical process, the manufacturer's workmen must have gotten at it, and then so many would have known it, that it must long since have been discovered. Indeed the honourable gentleman had said, that it was known before; that the smuggler imitated the flavour of the particular snuffs, in the manufacture of which branch alone the secret could lie, and thus counteracted the fair trader. The Chancellor of the Exchequer met the argument about lowering the duty, by observing, that the duty was as he found it; and that a reduction of the duty to 7d. would not answer; for this he assigned a variety of reasons. The present act answered every purpose of encreasing the revenue, and the trade of the fair dealer, by taxing the smuggler. Amendments were certainly necessary; and it was his intention, should the present motion be rejected, (which he hoped would be its event) to move for leave to bring in a bill to explain and amend the act of the last session. During the existence of the act, the consumption had very considerably encreased, which was a complete refutation, and a conclusive answer to the assertion of the act's being likely to drive the manufacturer from this country, and it also proved one of two points, either that the manufacturers were not the men they had stated to be, or that they must have participated in the benefits of the Public, by an encrease of their trade. The Chancellor of the Exchequer here entered into a statement of figures to prove the encrease of the manufacture, which he recited in three different ways, and contended that according to either way of stating it, the Public had gained abundantly; but that according to the third, which he considered as most to be depended on, the Public had already, in the two least productive quarters of the year, received 130,000l. over and above the wonted income of revenue from tobacco in the same quarters before the act passed; and that in all probability, the difference on the next two quarters of excess would make the whole produce of difference 300,000l. at the least.

Sir *Grey Cooper* requested the indulgence and attention of the Committee to the answer which he presumed to offer to the leading arguments of the speech of the right honourable gentleman, and on which, as he conceived, the decision of all the material points of the question must depend. The right honourable gentleman had admitted that, if it could be proved that the survey of Excise was not applicable to the manufactures of tobacco, the bill must be repealed. He had admitted

Sir Grey Cooper.

admitted, that if the applicability of the Excise to other articles now subject to that survey could be materially distinguished from the survey of the revenue of tobacco, the present act could not be maintained. He asserted, with perfect confidence, that there was the clearest distinction between the principal articles now subject to the Excise, and the manufacture of tobacco. The mode of charging and collecting the duty on malt, beer, sope, candles, spirits, and glass, was totally different from the survey and regulations of Excise, directed by the present bill. In the making of malt, beer, &c. there are several processes in the manufacture: they are rests, intervals, and stages, at which the officer can, with ease, and without error, take his gages, and make his charges; but, in the manufactory of tobacco, there no intervals or stages, no series of processes regularly succeeding each other; no gage can possibly be taken by the officer, no charge of duty can be made. It follows, by necessary consequence, that the ground work of the whole system of the survey, by this act; must be the weighing the stock from time to time. But by clause 10, which was provided that the manufacture might go on at all, no tobacco, whilst it is actually in the operation of manufacture, shall be weighed by the officer. From this necessary regulation, the following dilemma arises; as it is stated in Mr. Ransom's evidence, page 86, No. 4. "If stock is taken in operation it must ruin "the manufacturer's goods, and totally put an end to his bu-"siness. If it is not taken in operation, the survey of "excise can be of little use, as the fraudulent dealer may cover "any quantity, without the officer being able to detect him." The officers of Excise, in their examination to this point, declare, that as they could not by law weigh any tobacco in actual operation, they only weighed such as the manufacturers themselves pointed out to them, as not being in a state of manufacture; that they could not know or distinguish when tobacco was in operation. In short, "they could not tell "what they had a right to weigh." On being asked, whether after they had taken stock, they could or could not tell whether there was any smuggled tobacco on the premises, they declared they could not. If the manufacturer whom they survey be an illicit trader, "he may smuggle in spite of "us, as the act stands; and if he is a fair dealer, he may in-"cur penalties without any fraud." This appears from the evidence of Mr. Harding, Messrs. Searke, Spiller, Pike, and Hutton, all Excise officers, who survey some of the principal manufactories. From these premises it follows:

1. That there is no mode by which the survey can be made, save only by taking the whole stock of each manufacturer.

2. That

2. That stock cannot be taken by any other manner than by weight.

3. That it is absolutely necessary to except from being weighed, all that part of the stock that is in actual operation of manufacture.

4. That this exception destroys the rule.

For the conclusion is, that the weighing a "part of the "stock at different times can never give the sum total of the "whole remaining at any one given time." The next great objection arises on the clause 98, which fixes the table of allowances. It is absolutely necessary that some table or scale of allowances and credit be formed, in consideration of the difference between the weight of the tobacco when it is laid down for manufacture, and when out of operation; but, he contended that it appeared by a strong and irresistible body of evidence, and by a powerful and connected combination of experiments and facts, that the present credits were erroneous and ill adjusted to the various operations which the material undergoes in process; and that no other rule or criterion could be prescribed or fixed that will not subject the fair manufacturer to inevitable penalties, and afford unbounded latitude to the frauds of the smuggler. He asserted that it appeared to him to be physically impossible to fix a table of allowances as a guide to the officer in the execution of his instructions that will do justice at the same time to the revenue and to the manufacturer. He did not think that a rule could be fixed for all operations of roll or pigtail tobacco, or rapped or Scotch snuff, when it is in evidence that the result of every process depends upon the texture and quality of the raw material, on the place where it has been kept, on the quantity of liquor put into the parcel to accelerate, or to retard the fermentation, and, above all, on the moisture or dryness of the atmosphere during the course of the operation. The credits came at last to be decided not by rule but by accident; Milton's description of Chaos is not an overcharged representation of a process of manufacture going on, and of an Exciseman standing by to watch the result of the operation.

"For hot, cold, moist, and dry, four champions fierce
"Strive here for mastery—Chaos umpire sits,
"And by decision more embroils the fray
"By which he reigns; next him, high arbiter!
"Chance governs all."——

This part of the act has not been executed; the commissioners assumed a dispensing power, and suspended the penalties which all the fairest traders had incurred (by the admission and avowal of the Excise officers) without the least intention to defraud the revenue. With respect to the general and

and most important question, touching the system of Excise laws, which had, he thought, been too much discussed, both by his honourable friend, who made the motion, and the right honourable gentleman in his answer, that question was not now directly before the House, and he did not wish ever to hear it proposed. But a very serious apprehension relative to this matter rose in his mind, which he would submit to the House and to the right honourable gentleman, namely, the danger of persisting in this experiment, if there be even a reasonable doubt that it cannot be executed without discouragement and injury to the fair trader, and without giving advantage and latitude to the smugglers in the same proportion. A plan, however well it may be designed and improved, if it is to be executed by unskilful hands, and with improper materials, "may spoil not only the work, but the tools with which other work is to be done." The Excise itself may receive prejudice, which, when it is applied to proper objects, is the most efficient mode of collecting revenue, and the surest protection to the fair trader. The payment of the interest of the national debt, and the power and independency of Great Britain depend on the Excise. An immense revenue is now collected under its survey and its laws, without any murmur or complaint. It may be very dangerous to indispose the public opinion to this mode of collection more than it is at present. Mr. Eddowes, in his evidence, gives a most striking and affecting picture of the state of anxiety, distress, and perplexity under which the fairest trader must carry on his business if this act be not repealed. Surrounded by penalties wherever he treads, which he cannot avoid following, watching the changes of the air with restless apprehension, and holding the profits of all his labours not by right, but by sufferance; not by protection of laws, but by the lenity of the Commissioners of Excise, and the forbearance of the exercise of power. Sir Grey repeated, that it may be of the most dangerous consequence to persist in the execution of such a law.

Lord Carysfort.

Lord *Carysfort*, after an eulogium upon the Constitution, expressed a fervent wish that nothing might affect those institutions of our ancestors, which every man who loved his country, must wish should ever remain sacred and inviolable. He stated that tobacco was clearly a luxury of life, and not a necessary; that it was a fair object of taxation, but, in his opinion, a much fitter article for home manufacture than export, and that therefore it was not so desirable that the export should be encreased as the manufacture, and consequently, being from its nature capable of being illicitly introduced into the kingdom, the large revenue that the country had a right to expect from it could not remain secured without the application

application of the laws of Excise to the tobacco manufacture. Lord Carysfort next commented upon the evidence of the manufacturers, and, mentioning France in particular, observed that the Excise had been applied to the same article in other countries.

Mr. *Windham* declared that he could not avoid considering the reprehensible opening of the speech of a right honourable gentleman (Mr. Pitt) as a laboured panegyrick on the whole system of Excise laws; and such as perhaps never before had been heard in that House. The right honourable gentleman, had argued unfairly with his honourable friend, in order to get him into a dilemma, into which he had no right to place him. His honourable friend had laid a good deal of stress upon the oppressive system of Excise laws, but had guardedly avoided making their repeal a necessary measure, as connected with the repeal of the tobacco act, by saying, "if "any man asks me whether I wish to abolish the whole sy-"stem of Excise laws at once?" I will answer that by another question, "Do you mean to extend them indiscriminately to "every object of taxation whatsoever?" That put the matter fairly at issue, and was, in fact, the jet of the question as to Excise laws in general, and therefore he was quite astonished at hearing the right honourable gentleman say, that if his honourable friend acted consistently, he must necessarily move to repeal the acts which placed the manufacturer of sope, of starch, of candles, and all the other numerous articles at present under the Excise. He wished to call the attention of the House to one point, which he conceived to be important. The tobacco act, like all Excise acts, was to be considered in two different views, as a matter of finance, and as a constitutional question. In the latter light Excise bills were usually considered, because their effect was clearly unconstitutional, inasmuch as those upon whom they attached were placed in a situation where innocence was no protection, but punishment might fall where there was no criminality to call for it. It was no justification of a Minister's measure that it would answer his present purpose, nor was it true, in all cases, that a Minister could not serve his trust so effectually as by serving his country; it might happen that the present interest of the Minister might not be consistent with the future good of the country, to which that House was in a peculiar manner bound to look on every occasion. He reprobated the Excise laws as a pernicious and unconstitutional system, and pronounced every extension of them as an evil which ought to be resisted. He lamented that the monied interest had so totally corrupted all ranks of people that they seemed entirely to have changed and altered their notions upon great political subjects, on which formerly every man

Mr. Windham

felt alarm and jealousy. He took notice of what Lord Carysfort had said relative to France, and declared that what had been hitherto the practice abroad, necessarily made foreign countries, and especially a neighbouring kingdom, an improper school for our youth to learn notions of civil government in. As the manners of France and all their political notions were changed, ours seemed to have changed in an inverse ratio. The French had become free, and we had abandoned our plain home spun notions of constitutional jealousy and suspicion for personal confidence in a Minister, and blind attachment to court measures. The trial by jury was one of the jewels of our constitution, and a privilege of which the subject ought never to be deprived. The House by multiplying Excise Laws, were weakening the establishment of that glorious franchise, and by resisting them sturdily, even at the expence of some revenue, their constituents would see that they would not

"Sell for gold, what gold could never buy."

He thought gentlemen would do well to consider the tobacco act in two points of view, first, as a question of revenue; and next let them enquire what were the advantages to be expected from it, and what the disadvantages. No point ought to be pushed beyond a certain extent; that Excise itself, useful as it was in certain cases, might be disgraced and degraded by being injudiciously used, as a tool or instrument might be spoilt by being worked with too much; but when they had examined the present measure fully they would be able to judge how far it ought to be adopted In the conclusion of his speech Mr. Windham observed, that alarming indeed was the conduct of the Minister on this trying occasion; for it was now avowed that the Excise is to be limited only just as the state of our finances may admit; if this be the case, the whole country may prepare to receive a general Excise, and the tobacconists will not long complain alone, for the whole kingdom will be involved in the same fate; nor had he any doubt but that if this bill were to be carried, all attempts to oppose a general excise would be fruitless; of this obnoxious, pernicious system we should all beware; of this we should all be cautious, and the first impressions which every Englishman should feel, suspicion and distrust! When this country had its proper character, this step would not have been attempted; when Englishmen felt their dignity, and were willing to maintain their rights, this would never have come to a question! No! it would never have been suffered! There never was in England, until the present moment, a time when such sentiments as the Minister avows, would have been even heard!

Mr.

Mr. Chancellor *Pitt* remarked, that he could not remain silent under the terms which the right honourable gentleman had thought proper to give to his argument. He was persuaded that the language which he had used did not merit such a description of it. The Chancellor of the Exchequer then repeated the main ground on which he had before placed the question, and said, that upon this fair issue he had wished the business to be rested. Mr. Pitt.

Mr. *Fox* observed, that he also, in his turn, could not avoid upbraiding the right honourable gentleman (the Chancellor of the Exchequer) for having gone into a panegyric on those Excise laws which were founded on a complete system of tyranny and oppression. He must complain, likewise, of the manner of the right honourable gentleman's answering his honourable friend, (Mr. Sheridan) by saying, "If you "say this, you will repeal the existence of all the Excise "laws." If the right honourable gentleman could have refuted what his honourable friend had said by argument, it would have been competent for him to have carried such a point; but to dare him thus to undertake what he not only never had undertaken, but, on the contrary, expressly provided against, was to answer arguments by mere declamation, and could be done only with a view to intimidate. Mr. Fox said, that when he saw a large revenue obtained by being collected under the Excise laws, he did not admire those laws; but he admired the unexcised iron manufactory, the unexcised manufactory of Staffordshire ware and pottery, unexcised wool, cotton, and fustian manufactory, by means of which the subject is enabled to pay taxes to so great an amount. "When I look," added Mr. Fox, "at the ex-"cise, whom and what do I admire? Not the excise, but "the unexcised trade which enables us to bear it! Not the "produce of the tax upon beer, which is very great, but "the industry and consequent wealth which enable us to "drink it." From the language of the right honourable gentleman that day, as well as from what had fallen from another right honourable gentleman on a former day, he suspected that there was not one article to which the Excise might be extended, which it was not in the contemplation of the present Administration, if necessary, to apply it to; and therefore, any apprehensions which he had before entertained on that point, were now much increased. Mr. Fox defended several parts of Mr. Sheridan's speech, and charged the Chancellor of the Exchequer with having grossly misrepresented them. He pointed out two or three passages, and compared them with the Chancellor of the Exchequer's answer to prove this assertion. He mentioned the uniform tenor of statement in the petitions, as a proof of the validity of Mr. Fox.

the manufacturers declarations that the Excise was inapplicable to their manufacture, and he cited the excellent characters of Mr. Postlethwayte, and of Messrs. Pollard and Sale, and others, as the refutation and answer to the Chancellor of the Exchequer's declaration, that he doubted the credibility of the evidence. Their reputations were, he said, completely established, and they were known to be as free from smuggling as any gentlemen in that House. He argued, therefore, against the unfairness of insinuating a doubt of their veracity, and the more especially, as the right honourable gentleman had himself admitted, that, with regard to the secrets and other points, he had no means of ascertaining whether what the manufacturers had stated, was the fact or not. When the manufacturers did him the honour of a visit, they all uniformly and invariably stated, that Messrs. Sale and Pollard were in possession of a secret in giving a peculiar flavour to snuff, for the purchase of which they should think 20,000l. if they could conveniently spare the money, well laid out. Why then was the right honourable gentleman to doubt such a fact, especially when he could not disprove it? Mr. Fox remarked, that from the moment that he was told the weather made a variation in the article under manufacture, he pronounced it impossible to make an allowance for that, capable of meeting the case; and what sort of an act, he would ask the right honourable gentleman, was that to prevent smuggling, when a gentleman of a most unimpeachable character (Mr. Eddowes) fairly and boldly says, that by doing what he never should be ashamed of, he had incurred penalties to the amount of 1300l. His honourable friend had said, with much warmth, and much truth, with much justice and much reason, (what the right honourable gentleman had not answered at all) that those are bad laws which subject innocent men to penalties, and that it should depend on the mildness and forbearance of His Majesty's servants, that the harshness of those laws are meliorated and softened. If it were true that there had not been penalties exacted, and that those penalties had been incurred where the parties were perfectly innocent of any criminality, it must not be from the leniency of the laws, but of their execution, that the subject had escaped unmerited punishment; and thus the great maxim of our constitution was violated, that we ought to be governed by laws and not by men, not by the leniency of the officers of the Crown, but by the acts of Parliament on the statute book! If, therefore, the tobacco act was not repealed, he feared that this discovery would be made to the country, for which no man who loved the liberty of his country could possibly wish: that where men are aggrieved, they must apply for redress only from the King's servants.

servants. Mr. Fox justified that part of Mr. Sheridan's speech which treated on the Excise laws in general, and contended that whenever an Excise bill came under discussion, he had a fair right to canvas the Excise laws in general, without having it thrown in his teeth that he wished to overturn the revenue of his country. He reminded the Committee, that they ought never to forget that the common law of the land was the rule, and the Excise laws the exception. He held the example of putting the wine under the Excise a bad example, declaring that, to his knowledge, it had been attended with much oppression, and was pregnant with infinite inconvenience; a private gentleman, if he wished to move his wine from one house to another, not having it in his power to send his servant to the Excise office for a permit, but being obliged to go himself to the office, and make an affidavit, before he could obtain what he wanted.

Sir James Johnstone

Sir *James Johnstone* declared, that he disliked the extension of the Excise laws; but the revenue must be had, because the nation was loaded with a heavy debt, and the interest must be paid. Yet, if the Excise laws were obnoxious, why did they not double the land tax, or the house tax, or the commutation tax? The money must be had to pay the public creditor.

Mr. Grenville

Mr. Secretary *Grenville* observed, that as the right honourable gentleman who spoke last had clearly alluded to certain words uttered by him in the course of the preceding session of Parliament, he felt it necessary to defend what he had then advanced, and to declare that he had asserted that the object was great, and that the only disadvantage was the placing three hundred and thirty-seven persons additional (and not three hundred thousand, as he had been misrepresented to have said) under the Excise laws. If, however, the picture which the honourable gentleman who opened the motion had drawn of those laws was just; if it were true, as the honourable gentleman had affirmed, that they formed a system of atrocious tyranny and oppression, such as was not proper for a free people to live under, they ought not to confine themselves to a repeal of the tobacco act, but of every Excise law in existence, and thus destroy at once six millions of revenue. If, on the other hand, as the fact undoubtedly was, the laws of Excise had existed near a century and a half, to the great benefit of the revenue, and without any great inconvenience to the subject, there could not be a greater enemy to his country than that person who states that no laws can be more incompatible with the liberty of the country than an extension of the Excise laws, and thus raises a clamour which might terminate in the abolition of all the existing

existing laws of Excise, by which the nation might come into bankruptcy, and all that anarchy and confusion which now prevailed in France, where the want of an adequate revenue had been one among the primary causes of the disorders. It was admitted, on all hands, that tobacco was a fit object of taxation and of revenue, and that, under the former system, the manufacturers of tobacco did not pay duty for more than half the tobacco imported. Some regulation, therefore, was absolutely necessary to correct so great an evil, and what regulation could prove so efficacious as the application of the Excise laws? That the tobacco act was an evil, he should not hesitate to admit; and Excise bills of every description were undoubtedly evils existing in the country; but then the fair way of arguing such a measure, was to see whether the advantages on the one hand counterbalanced the disadvantages on the other. Let the Committee remember, that many thousands of persons were already under the Excise laws, and that the Tobacco act only added three hundred and thirty-seven persons to the number, and they might go over the whole system of laws of revenue, and they would not find one article by which so much money was raised with so little extension of Excise? They had as yet had only six months experience of the operation, and they had already reasonable ground of expectation that the country would receive from one hundred and thirty to three hundred thousand pounds of revenue, over and above the quantity of revenue which had been obtained from tobacco before the act passed. His right honourable friend had last year introduced the bill, and the House thought that the subject afforded sufficient hopes of success; yet, what did the honourable gentleman who opened the debate, and his right honourable friend, do now? After the bill had been tried for six months, and after it had been attended with consequences the most favourable to the object for which it had passed, they endeavour to persuade the Committee that the system of Excise laws is pregnant with every evil which can arise from tyranny and oppression; although the effect of the act, as far as it has yet been tried, has proved the contrary, they contend that the "survey of Excise is not applicable to "tobacco."

Col. Fullarton. Colonel *Fullarton* said he hoped he might be allowed to differ entirely from the right honourable Secretary, without being reckoned an enemy to his country. That every one acquainted with political œconomy, knew those to be the best objects of taxation, which, being articles of general consumption, but not necessaries of life, afforded the means of raising a large revenue, without oppressing the labouring orders

orders of the community. On this principle, he perfectly concurred with the Chancellor of the Exchequer, in opinion, that tobacco was a fit object of taxation, and that great abuses to the enormous detriment of the revenue, had occurred in the mode of collecting the duties on that article. That this opinion being so generally admitted by all parties, it became, undoubtedly, an interesting circumstance to know, by what superior ingenuity it had been possible for the Chancellor of the Exchequer to render this tax upon tobacco, one of the most unqual and oppressive acts, which ever occurred in the annals of exaction. Colonel Fullarton observed, that so much had been said to prove the absurdities and contradictions of the present bill, that he should not enlarge on many of those particulars. That the honourable gentleman, who made the motion, had exposed the fallacies and evil tendency of the bill, with a force of argument and eloquence, to which no ingenuity could either add energy of thought or lustre of expression. You have heard much (said Colonel Fullarton) on the popular topics, of the hostility of this measure to the principles of the Constitution, and of its depriving a great body of men of the trial by jury. But, I confess myself not sanguine in the effects of such arguments on the mind of the Ministers, who have proved their hostility to the truly English mode of trial by jury, in every quarter of the empire, from Canada to Hindostan: neither do they seem to pay more regard to objections drawn from the inconsistencies in the terms of the act itself; such as the highest law authorities in this kingdom have declared to be irreconcileable to practicability or common sense. These contradictions, however, may be justified by precedents drawn almost from every statute which has been passed since the year 1784. As for the odium and unpopularity of the measures, little can be expected from objections on that ground. All such objections will be treated like the memorial of a well-known character in this country, which, when presented to a great personage, was said to have had no more attention paid to it by his Majesty's Ministers, than they had shewn to the petitions and remonstrances of the whole people of England. Colonel Fullarton next adverted to the evidence before the House, and said it was completely proved, that the survey of Excise, applied to the manufacture of tobacco, or to any other article under the process of manufacture, exposed the manufacturer to oppression and severity: that the survey of excise was particularly inapplicable to the manufacture of tobacco; because the weight, which was the ground-work of the system, never could be accurately ascertained: that the interruptions and delays occasioned to the manufacturer, necessarily enhance

hance the price of the fair trader's goods, and afford still greater latitude to the intrusions of the smuggler: that the manufacturer was frequently obliged, either to leave his goods unfinished, or to make the Excise officer acquainted with the secrets of his trade, on which his business chiefly depended: that it was farther established in evidence, that a great portion of the manufacturers time was wasted in the survey of Excise; that this survey was so particularly inapplicable to the manufacture of tobacco, that the very Excise officers declared at the bar, that they did not know what articles they had, and what they had not a right to weigh, and confessed themselves obliged to apply for information on that point to the manufacturers. It farther appeared, that the licences operated as an additional tax, unfairly and improperly imposed: that the act attached penalties to the performance of that, which it was, frequently, impossible for the manufacturer to perform, eventually exposing him to ruin, for a change in the atmosphere, or an error in the Exciseman: that the prohibitions on removing certain articles in quantities of 200lb. weight or under, rendered it impossible for many of the manufactures to sell their articles while in good condition? that the different prohibitions on the removing of tobacco, embarrass and impede the progress of the manufacture, and that the general operation of the act sins against the common rules known and recommended by every novice in politics as well as in medicine; occasioning that which even quacks consider to be fatal to their recipes, namely, loss of time and hindrance of business. Colonel Fullarton next observed, that there was one clause which, however much it had been the subject of remark, stood so prominently forth, marking the principles which characterise the finance system of the present Minister, as to deserve the comment and consideration of every man who thought or felt on subjects of revenue; namely, that clause prohibiting the manufacture of tobacco and snuff, except in cities, the suburbs thereof, and market towns. The principle of this clause, Col. Fullarton asserted, if extended to other manufactures, susceptible of the excise survey, would operate as a complete check to all industry and manufacture throughout the kingdom. What was this but saying to that portion of the English people whose lot has fallen in remote and uncultivated places, "your industry and skill shall have no avail here; the poverty inflicted on the place of your nativity shall be perpetuated." Had this been the principle of English legislation, what would have become of the manufactures of iron and steel, and cotton, and silk, and pottery, erected in various remote places? These and many more on the principle of this bill, never could have had an

existence. If any improver had proposed to erect a manufacture in such places, a Legislature acting on the principles of this would have said, "no; you shall not erect your manufacture in a situation affording cheap labour, firing and subsistence; you shall not erect your pottery where you can find clay, but where you can find a gauger; you shall not erect your iron or glass-work in the vicinity of a colliery, but next door to an officer of Excise." Surely, with all deference to the gentlemen of Excise, instead of making a great manufacture travel in quest of an Exciseman, it might be just as proper to make the Exciseman travel to the manufacturer. Col. Fullarton next stated, that it was on other more important grounds that he opposed the present bill. He understood it to be the Chancellor of the Exchequer's declared opinion, that to think of repealing the oppressive regulations of Excise, and to substitute less odious taxes in their place, would involve this nation in bankruptcy, insomuch as six millions and a half of revenue were raised by Excises. The Chancellor the of Exchequer, it seemed, had forgotten, that it was not an Excise law, or any other revenue law, which enabled the people of a country to pay a tax; the means of paying a revenue arose from the land, the capital, and the labour of the country. These would remain in greater force, if no Excise law ever had existence; they would afford the means of raising a revenue less oppressive to the people, and more productive for the exigencies of the State. A great author on legislation has justly compared the multitude of Excise exactions to a hundred punctures in the human body, which subjected the individual to agony, without extracting as much blood as might be drawn from the incision of a single vein. But, Col. Fullarton said, that he farther understood the Chancellor of the Exchequer's opinion to be, that, whenever any increase of revenue should be necessary, it must be had by an extension of Excise; and a right honourable gentleman near him, (Mr. Dundas) had said, on a former occasion, that to think of increasing the revenue by any other means than by an extension of Excise, was no less impolitic than absurd. Now, said Col. Fullarton, whatever be the apathy in this country in regard to matters of revenue, let the House and the Public at large consider these declarations as striking at the root of all industry, freedom, and prosperity in England. Surely the Chancellor of the Exchequer and his friends cannot suppose the people of England so blind to every circumstance connected with their own interests, as not to know, that every interruption of labour operates as a direct tax on the wages of labour. When Ministers boast of the œconomy and efficiency attendant on the survey of Excise, do they recollect, that in addition to the

expences attendant on an army of Excisemen, there are the still more burthensome expences of interruption and idleness occasioned to the manufacturer? Mr. Eddowes has declared in evidence that a survey of his stock was taken every six days. Do gentlemen recollect, said Col. Fullarton, that this interruption alone operates as a direct tax on the wages of labour to the amount of nearly 17 per cent.? But it appears there are other more expensive losses occasioned by this method of collection. Mr. Hutchinson has declared that his manufacture has cost 50 per cent. more than it did before the passing of the act; and, yet, the Chancellor of the Exchequer boasts of the œconomy attendant on the survey of Excise. Col. Fullarton's next object was to prove that a direct tax on the wages of labour is more pernicious to industry and consequently to national prosperity than the same amount levied on the produce of land, or on such objects as are not absolute necessaries of life. On this principle, that part of the taille in France which fell on labourers and artizans, and the Bohemia tax on industry, as it is called, have ever been considered as among the most unequal and oppressive acts that have occured in Europe. Applying these observations to the present tax upon tobacco, and to all other articles where the survey of Excise is necessary in the process of the manufacture, it would be found that every such interference of the Excise survey operates as an interruption to industry, and consequently may be stated as a direct tax on the wages of labour. It unavoidably exposes the manufacturer to various interruption, throws his men idle, and diminishes the quantity of work they can perform, which is tantamount to taxing their exertions. Such a mode of exaction, therefore, might rather be looked for in the oppressive government of Bohemia than in this enlightened land of liberty. But, said Col. Fullarton, if any thing could add to the extravagance of extending such a system in an enlightened nation, such as England, it arises from the circumstance of the period when it has pleased his Majesty's Ministers to extend that system: at the very moment when every other State in Europe is convinced of the pernicious consequences arising from Excises. Of all people in Europe the Swiss are the least oppressed, and among them the name of an Exciseman is unknown. Of all countries in Europe, the Austrian Netherlands have for ages been the most flourishing in agriculture and manufactures, and in that country we find no term corresponding with an officer of Excise. On the other hand, let those gentlemen, who still believe that excise has at least the merits of œconomy and efficiency against smugglers to recommend it, recollect, that in Holland, where that system has long been established, and from whence it was unfortunately

fortunately introduced to this country, every article of consumption was subject to exactions of Excise. In that small territory, there are no less than 50,000 tax gatherers, including revenue spies and informers, and of these tax-gatherers the greatest part are excisemen. But, what shall the enlightened Minister of England say, when even the Government of Spain have discovered and declared that the kingdom has been nearly ruined by Excises? Every one who ever treated of the political affairs of that country have attributed the decline of agriculture, manufactures and commerce to the extension of Excise of Alcavala and Ceutos, which subjected every dealer in every article to the visitations of the tax-gatherer: thus reducing the great body of the people who live by labour to indigence and indolence, rather than submit to the harassing of such exactions. So forcible were those truths, that the Spanish Government, in order to remedy such evils, appointed a Commission to report concerning the means of substituting a simple contribution in lieu of those exactions of Excise. A cadartic or register of the extent and value of the property and produce of a large portion of the country was completed. The result was, that leaving the other revenues exactly as they were before the Commission, in their report, they declare, that, among many others, the following advantages will accrue to the public from the abolition of Excises: In the first place the inestimable benefit of every individual exerting his industry and skill in any employment throughout the kingdom. Secondly, that an individual, who by the Excise system had 96 pistoles to pay, would, by the simple contribution, have only 56 pistoles to pay; and farther, that the great body of the people would be relieved from the oppressions of the tax-gatherers, and no longer subjected to expensive compoundings or ruinous prosecutions. But any one who would trace the pernicious influence of Excise in its full extent, must look to the State of Portugal; where some provinces are subjected to every species of Excise exaction; others are less severely excised; and some are exempted from them altogether; and the decline or prosperity of the province is proportioned to the degree in which it is excised. But, it is from the history of France (as Col. Fullarton contended) that we derive the compleatest refutation of the finance system adopted by the servants of the Crown. The misery and wretchedness of the great body of the people in France has long been chiefly attributed to the harrassing exaction of *aides*, *tailles*, and *gabelles*, impeding the industry and internal commerce of the different provinces, throughout the kingdom. While the prosperity of England (where a much larger revenue is raised, in proportion to the extent of soil

and

and number of inhabitants) has no less generally been attributed to the comparative freedom with which every individual in this country may exert his industry and skill in any occupation, from one end of the kingdom to the other. Here Col. Fullarton observing some dissent to these positions, said, he apprehended examples drawn from the recent proceedings of France, might not be acceptable to the Chancellor of the Exchequer, who had announced himself unfriendly to liberty in that country, and an enemy to what is called, "the new order of things." But, that there was nothing more extraordinary in the new order of things in France, nor many other parts of Europe, than the finance system of the right honourable gentleman, considering the time and circumstances under which it had been introduced: that the cap of liberty carried in triumph round Paris by the French guards was not more extraordinary, than the despotic guage of the Exciseman, brandished over the heads of every manufacturer in England, by a Minister who affected to be the friend of liberty, and who aspired to be the favourite of the people.

Mr. Dundas. Mr. *Dundas* observed that he should not have known that the right honourable gentleman had alluded to him, when he mentioned a declaration, on the part of one of the Chancellor of the Exchequer's friends, that it was intended, in case of any new tax, to extend the Excise laws still farther, if, having accidentally read the newspapers during the past six weeks, he had not lately seen in one of these a paragraph which stated that Mr. Secretary Grenville had said, that the tobacco act only placed three hundred thousand additional persons under the Excise laws; and that Mr. Dundas (another supporter of the present administration) had declared that it was the intention to apply the Excise laws to every new tax which should hereafter be proposed. The assertions were neither of them true; Mr. Grenville in the first instance, instead of remarking that three hundred thousand persons were placed under the excise laws by the tobacco act, had observed that it would secure a great increase of public revenue; and that the only disadvantage to be balanced against that desirable circumstance was, that it placed three hundred and thirty seven additional persons under the Excise laws. The expression he had used, he would again repeat. A right honourable gentleman (Mr. Fox) in the absence of the Chancellor of the Exchequer, among other arguments against the tobacco bill then pending, had said, that the system of Excise laws was not a proper system for a free people to live under; to which he (Mr. Dundas) replied, that the right honourable gentleman well knew (what every man might equally well know) that if there should, unfortunately, be occasion for any

new

new tax to raise a considerable sum of money, they could not expect to render such a tax sufficiently productive to answer its object, without the application of the Excise laws.

Mr. Aldeman *Newenham* remarked that, as a right honourable gentleman (the Chancellor of the Exchequer) had thought proper to impeach the characters of the manufacturers, who were men as honourable as himself, he begged leave to tell him, that he was authorized by the manufacturers to challenge him to institute any enquiry into their characters which he thought proper. They were ready to meet it instantly. Mr. Ald. Newenham.

Sir *Richard Hill* observed that, the other side had produced tobacco enough to enable them to throw dust in the eyes of the Committee. He hoped, however, that the right honourable gentleman would put the Excise under proper regulations, which was the most easy way of raising revenue, and relieving the landed interest. The clamour which was made when trade became touched, reminded him of an old saying of Sir Robert Walpole: "that trade was like a hog; pluck but a single bristle and he will grunt; but the landed interest is like a sheep. You may sheer him again and again, and still he has a fleece at your service." They who spoke now against Excise laws once made as arbitrary a stretch of those laws as ever was attempted. The honourable gentleman who had brought forward the motion that day, was, at that time, in Administration, and a noble Lord whose motto was *Cavendus tutus*, was Chancellor of the Exchequer. Sir Richard said, he would speak fairly; the present Chancellor, who soon after came into office, voted for it, which shewed that men voted according to their situation, as a little starling in the chair had whispered to him. Sir Rich. Hill.

Mr. *S. Thornton* declared, that he considered it as his duty to vindicate, from unmerited allusions, in the course of the debate, the characters of worthy and honourable persons, who were the partners of a very respectable manufacturing house of the town (Kingston upon Hull) he represented. When the honourable gentleman had first introduced this business, in the present session of Parliament, he was surprised to hear him assert boldly, that the system of Excise could not possibly be applied to the article; and he ventured, in opposition to that opinion, to say, that although it was generally objected against in London, he believed that some manufacturers in the country, had not found that inconvenience which they at first, apprehended, although he knew that they wished for some regulations in the subordinate clauses. He was ready to allow, that Messrs. Thravises of Hull were the persons whom he then meant, and who, he would not dispute, might be the writers of the letter to which the honourable Mr. S. Thornton

nourable gentleman (Mr. Sheridan) had alluded; but, he would venture to say, that the conduct which they pursued did not arise from a spirit broken under the pressure of the law, but, from a laudable opinion, that it was better to apply temperately for such amendments and regulations as they wanted, than to join in unqualified opposition to the measure. Mr. Thornton mentioned, that what he said upon a former occasion, had called forth the opinion of the manufacturers, who stated to him, that the existence of their trade depended upon the suppression of smuggling, which they thought the Excise the only likely means to effect. He believed, that they would prefer a reduction of the duty, which he sincerely wished himself, if the situation of the country would permit it. He knew that many of the manufacturers who had been at the bar were men of great opulence and respectability of character in their line of business, and he could not disbelieve the testimony which they had given, as far as it regarded their own case, and for their sakes he could wish that the bill were repealed; but, since the facts which he had stated were come to his knowledge, the honourable mover must excuse his joining issue with him, "that it appeared to this Committee, that the system of Excise was in no case applicable to the manufacture of tobacco."

Mr. Ald. Watson. Mr. Alderman *Watson* having declared his determined resolution to resist every extension of the Excise laws, till he saw an appeal from the Commissioners of the Excise to a trial by Jury introduced into each bill of that nature, added that he had not heard the Chancellor of the Exchequer cast any reflection on the manufacturers who had been examined at the bar. The right honourable gentleman had said, that he entertained some doubts of their testimony, which he was persuaded that the right honourable gentleman would never have harboured, had he known as much of those gentlemen as the members for London did. Some of them he was personally acquainted with, and knew them to be men of high reputation and incapable of carrying on an illicit trade. The other gentlemen who had been examined he did not know otherwise than by character; but he was persuaded from their characters, that they were men of as strict integrity, and as much to be relied on as any merchants in existence. The Alderman conceived that great quantities of tobacco had been smuggled, to the infinite injury of the revenue, and that it was necessary that some regulation should have taken place; but the Excise laws were, in regard to the manufacture, so inapplicable, inconvenient, and oppressive, that lowering the duties would not merely check the smuggler

gler, by rendering the risque less worth hazarding, but answer the purpose of obtaining a large revenue.

Mr. *H. Thornton* (Member for Southwark) observed that it appeared to him, that a motion for the repeal of the Excise on tobacco would be much the most eligible proceeding, and, in this, he would heartily concur; but he begged the honourable gentleman (Mr. Sheridan) to reflect a moment, whether the resolution now before the House, which stated a sort of moral impossibility in applying the Excise laws to tobacco, was a proposition so likely to be agreed to as the simple question of repeal. The House would naturally reflect, that there were even some manufacturers who (as had been remarked by his honourable relation) conceived the Excise to be very applicable to tobacco. Among his own constituents, there were some degrees of difference in opinion, though, he believed, that in general, they were very anxious, indeed, for the repeal. The chief ground upon which he himself should vote with respect to the question was, the mischief to the Constitution, which he feared from the extension of the Excise laws, against which he wished publicly to protest, and especially when they were applied to an article in which there was so much uncertainty and variation in weight; which made it necessary to place a more than common degree of authority and discretion in the hands of the Commissioners of Excise and their officers. Manufacturers and traders were already subject to such continual forfeitures from the operation of revenue laws, and were, to his knowledge, so continually attempting to make interest with Government or the Commissioners for relief from penalties undeservedly incurred, that he could not consent to the extension of this evil; and the House would not wonder if, conversant as he was with such cases, he had learnt to sympathize with the traders under these hardships. The honourable mover, and the other supporters of the motion, had themselves laid their chief stress rather on the general mischiefs of the Excise, than on any total impossibility of making it apply to tobacco, and they seemed anxious chiefly to make a stand in this instance, for the sake of checking its extensions in time to come. The present motion, however, had nothing in it which at all condemned the principle of Exercise in general; and if it should be carried, it would really seem, that the repeal of this Excise bill was merely owing to something particular in the case of tobacco, and not to any sort of jealousy concerning the Excise, nor to any dread in the House of Commons as to its extension. It seemed, therefore, to him, that the question ought not to stand in the present terms, which might naturally be suggested, indeed, by the warmth of the tobacco manufacturers;

Mr. Thornton

but it should rather stand upon the broader ground on which it had been argued in the House, and this might be effected either by altering a few words in the resolution, or by substituting in place of it a direct motion for the repeal.

Mr. Ald. Sawbridg. Mr. Alderman *Sawbridge* declared, that for his own part, he could not avoid reprobating the Excise laws as a system of tyranny, highly unconstitutional and dangerous; and although the revenue must be had, extending the Excise laws was paying too much for it. The right honourable gentleman had professed himself willing to sacrifice millions of revenue to make the slaves of the West-India islands freemen, and place them in a worse condition than they were in at present, and yet, for a paltry addition to the revenue, he was making slaves of Englishmen, and depriving them of their birthright. Mr. Sawbridge explained the matter alluded to by Sir Richard Hill, as having been a violent extension of the Excise in the year 1783, and contended that it was a necessary additional duty laid on gentlemen who made their own malt, and afterwards sold it. In conclusion, he repeated his complaints of the loss which the community at large would sustain under the deprivation from its dearest right and privilege, a trial by Jury, and the infringement and innovation to which the House of every man was now liable, in consequence of the unlimited power given to officers of Excise, whensoever their High Mightinesses should think fit to invade it.

Sir Watk. Lewes. Sir *Watkin Lewis* said that, he would not trespass upon the patience of the House at so late an hour, by entering at large into the subject; indeed, it had received so ample a discussion that it was unnecessary; but some observations were made in the course of the debate, and such imputations thrown upon the witnesses, that he felt himself called upon to bear his testimony to the characters of those gentlemen. If they had been as well known to the Members of the Committee, as they were known by him, and the other Members for the city of London, they would have known there was not a shadow of foundation for any such imputation. He first begged leave to take notice of what fell from an honourable gentleman, (Member for a Borough of Scotland,) who had said that he was informed by some manufacturers, that the Excise laws were not inapplicable to the manufacture of tobacco, though they complained of some of the clauses of the act then under consideration. However respectable the private information he had received, and respectable their characters, he must oppose the uniform concurrent testimony of those gentlemen who had appeared, and given evidence at the bar, who had all declared, that the Excise laws were inapplicable to the manufacture of tobacco.

bacco. Those gentlemen had come forward, and had given their evidence publicly at their bar, and in the face of their country; if their testimony could be controverted, why not bring these witnesses forward, to contradict them? As that was not done, he had a right to say their testimony stood impeached. It appeared, likewise, in evidence, that machines were ordered, and those orders given conditionally, to be sent abroad, if the act was not repealed, which was sufficient to alarm the apprehensions of the Committee. The complaint before was, that tobacco was smuggled into this country in its raw state; what was the case now? It is smuggled ready manufactured with much greater facility, and if those machines are sent abroad, the smuggler will supplant our own manufacturers, and the manufacture will be transferred into other countries. Sir Watkin then said, he must take notice of what fell from an honourable Baronet who had called upon the country gentlemen not to be deluded with the arguments that were made use of in favour of the repeal. He must beg leave to tell the honourable Baronet, that whoever attempted to separate and draw a line between the landed and trading interest, was ignorant of the true interest of both; indeed they were inseparable, lands would become a glut on their hands; it was the flourishing state of the commerce of their country that stamped a value on their estates; and here, Sir Watkin said, he must take a more general view of the subject than was considered before; it was not a question between the manufacturer and the revenue, it stood upon a more general ground; whilst they were contending for a revenue, they were losing more in the general commerce of their country than they were gaining in revenue. The high duty would induce the merchants to consign their property to foreign countries instead of this, and to take the commodities and articles in exchange of foreign countries in preference to those of this country, and we should lose more upon the general commerce than would be obtained through the medium of revenue. For these and other reasons which he assigned, Sir Watkin said, he should heartily support the motion for the repeal of the present act.

Mr. Alderman *Le Mesurier* desired to say a word or two in differing from his colleague, as he thought the motion ought not to be altered at all, but should stand precisely as it was, being satisfied that the survey of the Excise was inapplicable to tobacco. Mr. Le Mesurier said, he had received instructions from a very respectable number of his constituents, not only gentlemen concerned in the tobacco trade, but of other descriptions, to oppose every extension of the Excise laws, as a system big with tyranny and oppression. Mr. Ald. Le Mesurier.

Mr. Sheridan. Mr. *Sheridan* rising a second time observed, that notwithstanding that he might claim a right to speak more than once in a Committee, and notwithstanding that it was usual, when the House was not in a Committee, for it so far to extend its candour, as to permit the mover of any proposition to rise in reply at the end of the debate, he was not insensible of the indulgence he had already experienced at the hands of the Committee, and therefore should not long trespass farther on their patience; and it was, he thought, the more necessary, as in the course of the debate he imagined that he had perceived some symptoms of Members having made up their minds on the subject. He should begin with what had been said by an honourable Baronet over the way, who had appealed to the landed interest to support the bill of the last year, and complained in bitter terms of the loud clamour made whenever the trade of the country was touched, saying, that if a single bristle was plucked, it grunted and made a strange kind of noise; but that the landed interest was like a sheep; it stood still, and would let you fleece it again and again without a murmur. The honourable Baronet unfortunately forgot, that he was, in the very moment, furnishing an instance in his own person, that the landed interest was not always so passive an animal, and he had forgotten likewise that he had paid the right honourable gentleman a curious compliment, by ending his speech with saying, that the right honourable gentleman had voted for the Excise bill (of which he complained so loundly) because the Administration of that day was tottering in their seats, and he saw that he should soon come into power. With regard to the situation which he had holden when the case to which the honourable Baronet alluded, had taken place, and which the honourable Baronet had described as the most enormous extension of the Excise laws ever practised, the honourable Baronet had done him more honour than he merited, the place which he filled at the time, being merely a subaltern and subordinate situation; but, he would not answer what the honourable Baronet had so pointedly urged against the Chancellor of the Exchequer of that day with any argument; he would answer it with his name; it was Lord John Cavendish, and the measure alluded to, which had been so well explained by the worthy magistrate near him, had been received, whether by grunting and groaning he could not say, but with as much unjust clamour as any measure ever experienced. The whole story, however, the honourable Baronet had introduced with less novelty than generally belonged to his facetiousness of anecdote. Mr. Sheridan next proceeded to take notice of (what he termed) the misrepresentations of the right honourable the Chancellor of the Exchequer, who

(he

(he remarked) had treated him, the bill, and the manufacturers all alike, having misstated his arguments, misrepresented the manufacturers, and misconstrued the act of Parliament. Possibly the right honourable gentleman might think what he had said rather an uncivil description of his argument; but the right honourable gentleman would recollect that he had himself, in the beginning of his speech, applied terms equally harsh and grating to what had fallen from him. The right honourable gentleman was the only person who had affected to disbelieve the manufacturers, although the manufacturers had, last year, delivered precisely the same evidence at the bar of that House, and afterwards confirmed it upon their oaths at the bar of the House of Lords. If the right honourable gentleman had doubted the truth of the evidence of the manufacturers, it was his duty, in justice to himself, and in fairness to them, to have called other witnesses to have disproved what they advanced. Not having done this, he had no right to doubt the veracity of men as honourable as himself, and as incapable of acting dishonestly with respect to the revenue as the whole Board of Treasury itself. It was but justice to the manufacturers, that he should say thus much in their behalf, and at the same time complain of the unfair manner in which the right honourable gentleman had commented on the evidence of Mr. Postlethwayte, who had expressly stated at the bar on what principle he made his calculation of increases; and, therefore, in his abstract of the evidence, necessarily and naturally adhered to the same principle, and separated what was termed the return from the roll tobacco. The right honourable gentleman taking advantage of that part of his argument which reprobated the oppression and tyranny of the system of Excise laws in general, had charged him with wishing to pull down the whole system; and, thus, at one stroke annihilate six millions and a half of yearly revenue. This was a most unfair way of meeting his argument, and the right honourable gentleman seemed to have forgotten, that, wherever any extension of the Excise laws was under consideration, it was usual to argue the question in that House, not on the narrow ground of the particular hardship on the point of being inflicted upon the individual in the particular instance in question, but on the broad constitutional ground, with a view to the danger in which the extension of those laws threatened to place the freedom and liberties of the people.

This had been the case in the cyder tax, when in the course of debate it had been said, *non Cæsar pulsante manu.*— "The winds of Heaven and the elements may enter the cottage of the peasant, but not the King, without the peasant's permission." This was not a mere flight of poetry; but at once, a lively, fanciful, and forcible effusion of the mind,

founded

founded on what he considered as the good old English proverb, "that every man's house is his castle," which was in fact the very essence of Magna Charta. He need scarcely add, that the person who had used the expression which he had just quoted was the Earl of Chatham, who had not thought it wrong to argue the question of the cyder tax upon the general principle of the Excise laws, and their unconstitutional tendency. But there was, a manifest inconsistency in that part of the Chancellor of the Exchequer's argument, in which he charged him with wishing to pull down the whole system of Excise, and in the same breath had declared, that he (Mr. S.) was willing to leave the manufactures of sope, candles, starch, and all the rest of the manufacturers at present subject to the Excise under the oppression and tyranny of those laws. It was absolutely impossible, as the Committee must see, for the two things to be true, because they directly militated against each other. Another point in which the right honourable gentleman had totally misstated him, and in which, indeed, his right honourable friend near him had also a little misconceived him, was, in respect to trial by Jury; both imagining that he disapproved of a trial by Jury, in cases of Excise. He had expressly declared, that if a general reform of Excise laws were to take place, he saw, that in such a case trial by Jury, might be applied to them as a part of that reform, but he had asserted, that he would not accept of trial by Jury being proposed by a Minister, in a single and particular case, by way of decoy, and in order to delude the House and the public into an acquiescence with the application of the Excise laws to the manufacture of tobacco. He would not graft, or approve of a graft of that kind, on so vile a being, convinced that the tree could not produce such fruit, and that so beautiful and excellent,a head as a trial by Jury ought not, in that manner, to be annexed to so deformed a trunk. The right honourable gentleman persevered in maintaining that the manufacturers had kept back some intelligence from him, and had to thank themselves if he did not do them all the justice that their case might require. The fact was, that when he (Mr. S.) found them in town, and prepared to propose a repeal of the act of the last session, he had, at their very first meeting, advised them not to apply to the opposition, but at once to the Treasury, and endeavour to get redress, through the medium of his Majesty's Ministers, which, in all matters of revenue and finance, he was ready to confess, he thought the properest hands for alterations of the revenue laws to come from. The answer they gave him was, that they had been at the Treasury with the Secretaries, and had seen Mr. Pitt, and that their reception did not encourage them to hope for success; and therefore,

therefore, they were determined to apply to Parliament, through the medium of opposition, wishing that their case should come before that House, and the Public. But the right honourable gentleman's mode of treating the manufacturers was curious. They go to him, and tell him, "that "their objections to the bill were fundamental; that no amendment, no modification of it will meet their ideas; they object to the principle, and nothing short of an actual repeal can gratify them, as they must, at all events, have the Excisemen kept out of their manufacture." Having "stated this, the manufacturers ask the right honourable "gentleman if he will consent to give up the principle? The right honourable gentleman answers "No; the princi-"ple must not be abandoned, but, do you inform me how I "shall alter the bill. This the manufacturers refuse; and they wisely refused it, in his opinion; for, what was it but the Minister's saying "I have a yoke to put about your "necks, do you help me in fitting it on; only assist me with "your knowledge of the subject, and I'll fit you with the "prettiest pair of fetters that ever were seen in the world!" With regard to the right honourable gentleman's argument that there was a great increase of revenue in consequence of the act continuing in force, he held that to be no argument at all. He never wished to count the money, when he was certain that the purse which contained it, with all it contents, were stolen. Every person knew that the right honourable gentleman could make out an account so as to give any calculations he chose to bring forward, at least a plausible appearance. The right honourable gentleman had calculated three several ways, saying to the Committee, "Take it this way "and you have fifty thousand pounds. Take it this other "way, and you have seventy, and take it this other way, "and you have one hundred and thirty." There could be (Mr. Sheridan added) only one fair and true mode of calculating what the produce of the tax, while under the Excise laws, was. This mode he had stated, and it was clear that the utmost increase they could expect was but very trifling indeed; but if the right honourable gentleman's highest calculation of increase were founded, he should still be of opinion, that the bill ought to be repealed. With respect to the manufacturers having told the minister that their objections to the bill were fundamental, and went to the principle of it, which he had refused to abandon; he ought not to talk of their having withholden information from him, because of what use could any information they might possess be of to him, when he had declared he would not, at any rate, comply with their requisition? Mr. Sheridan next adverted to what had fallen from Sir James Johnstone, who he under-

ſtood had cenſured him for having caſt an imputation on the Board of Cuſtoms. So far from that being the fact, he had expreſſly ſtated a wiſh that the Treaſury would give up the patronage of the Cuſtom Houſe, and veſt the power of managing the Revenue and Cuſtoms, and appointing officers in the ſeveral ſubordinate ſituations, in the Board of Commiſſioners This ſurely was paying the Board a compliment, by giving them a preference over the Lords of the Treaſury. He never had heard ſuch unconſtitutional reaſons urged within thoſe walls, as had been ſtated by a noble Lord oppoſite to him (Lord Caryſfort) for applying the Exciſe to tobacco and its manufacture. The noble Lord had contended that tobacco wa a luxury, and therefore a fit object of taxation, and that the moſt efficacious way of making it productive was to put it under the Exciſe laws. But, becauſe tobacco was a luxury, were thoſe who were concerned in its manufacture wholly unworthy of protection, and fit only for oppreſſion? Had the noble Lord forgotten that there were beings called men, who were manufacturers of tobacco?—that thoſe men were their fellow ſubjects, entitled to the enjoyment of the ſame rights and the ſame privileges as themſelves? — was it then the article being a luxury, that diſtinguiſhed it from other manufactures, and rendered the animals about it more fit for oppreſſion, and leſs worthy of the bleſſings of the Conſtitution than other manufacturers? The noble Lord alſo had argued, that the leſs the export of tobacco, the better. That was as anti-commercial a principle as he had ever heard; but the practice of collecting taxes in France had been recommended by the noble Lord. Surely when France happily had thrown off the yoke of oppreſſion, we were not going to pick up the diſcarded traſh of tyranny, and deck ourſelves out in the caſt-off dirt and dregs of deſpotiſm? He did not mean at preſent to go farther into the ſubject of France, nor ſhould he forbear from any apprehenſion of differing in opinion with any other perſon, more eſpecially with one (Mr. Burke) for whoſe talents and perſonal virtue he had the higheſt eſteem, veneration, and regard, and with whom he might be allowed to differ in opinion upon the ſubject of France, perſuaded as he was that they never could differ in principle; all, however, which he would ſay farther on the ſubject was, that he hoped, when the new conſtitution of France ſhould be ſettled, it would prove ſuch as would ſecure the bleſſings of liberty to the ſubjects of that kingdom, having ever been of opinion that it was not right that this ſhould be the only free country in Europe; but ſtill hoping that, as we had hitherto preſerved the glorious ſuperiority of being the only ſpot in which the ſubjects were governed,

not

not by the will of individuals, but by laws which they made for themselves, we should continue to be pre-eminently free, and have no badge of slavery fastened unnaturally on our constitution. After expressing a wish that the noble Lord would cherish doctrines more congenial to that zeal for the constitution, which he had manifested in the early part of his speech, than he had afterwards broached, Mr. Sheridan proceeded to take notice of Mr. Dundas's defence and repetition of what he had formerly said relative to the extension of the Excise laws in future. It happened, he observed, that the paragraph to which the right honourable gentleman alluded contained one ingredient somewhat different from what he (Mr. Sheridan) had talked of as conformable to the standard of staple newspaper abuse: the assertion stated to have been that of Mr. Dundas, was very near the truth, for the right honourable gentleman had himself confessed, that what he had on a former occasion said, was neither more nor less, than, "That whenever a new tax to raise a large "sum should be necessary, every gentleman well knew that "it could not be rendered productive in its collection, "without the application of the Excise laws." Another right honourable gentleman (Mr. Grenville) had avowed the doctrine of pushing the extension of the Excise laws in a broader manner than any other gentleman, and had said, that by only placing three hundered and thirty-seven persons more under the Excise laws, the revenue obtained one hundred and thirty thousand pounds a year. This was appreciating the liberties of Englishmen, and the first instance of the kind which they had ever heard. As the right honourable gentleman was an excellent calculator, he would recommend to him to form a table of the prices of freedom, which he was persuaded he could do with much greater accuracy than the tables of increase in tobacco. In a short time he should then expect to see, at one view, the different appréciation of the rights and liberties of every description of persons. Perhaps it would run, thirty pounds for the liberties of a man, twenty pounds for those of a woman, fifteen pounds for those of an apprentice, ten pounds for breaking into your house in the night-time, and so on in an equal gradation. Mr. Sheridan, at length, came to the declaration of Mr. Henry Thornton, that he would vote for the repeal of the Act of last Session, or any motion relative to it short of the declaration contained in the question then before the Committee: that the survey of the Excise was inapplicable to tobacco. He contended that his motion was, in fact, tantamount to a motion for an actual repeal; but that in the hurry of committing it to paper, he had omitted to state it in the manner, according to which the

Committee would themselves recollect he had opened and argued it. Instead of its standing nakedly, "That the "survey of the Excise was inapplicable to tobacco," he meant to have worded it, "That it appeared to the Com-"mittee, from the evidence of the manufacturers, that the "survey of the Excise was inapplicable to tobacco." It was perfectly immaterial to him what the motion was, upon which he took the sense of the Committee, provided that it met the points which his arguments went to enforce, and therefore as it might save the Committee the trouble of two divisions, and accommodate the honourable member for the Borough, he would, with the leave of the Committee, withdraw the present motion, and move at once "for leave to "bring in a bill to repeal the act of the last Session, imposing "certain duties on tobacco, subject to certain regulations "of Excise."

This being adjusted, the Committee then divided,

Ayes, 147. Noes, 191.

The House adjourned.

Monday, 19th April.

Mr. Chancellor Pitt having moved the order of the day for the House to be put into a Committee of Ways and Means, several accounts were referred; the Speaker left the chair, and Mr. Gilbert went to the table.

Mr. Pitt. Mr. Chancellor *Pitt* then rising, remarked, that there were few occasions upon which he could have the honour of addressing himself to the Committee with more pleasure than at present, because, after the various discussions which had taken place on the subject, and the difference of opinion which, had been so often urged and insisted upon, respecting the finances of the country, he could now most chearfully come forward, and state the amount of the revenue, as it was no longer a question of conjecture, but a questions of fact; and he had it in his power to prove to the Committee, from authentic accounts on the table, that the revenues of the country exceeded the amount which he had formerly stated them at, and which had been controverted and denied by those who sat on the opposite side of the House. He would establish his declaration by laying before them a plain simple statement, which he trusted he should be able to bring within a moderate compass, and which could not but give universal satisfaction, without exception, to all those who heard him, and to the public at large. He should follow the ordinary course which he had pursued for some years, of stating the various articles of supply which had been voted, and afterwards beg leave to state the amount of the annual revenue. He proceeded accordingly to enumerate the articles

cles of supply which had been voted in the present Session, as follow:

		£.	£.
Navy,	20,000 seamen - - - -	1,040,000	
	Ordinary - - -	703,276	
	Extraordinary - -	490,360	
			2,233,636
Army,	Ordinary services -	1,517,616	
	Extraordinaries - -	356,458	
			1,874,074
Ordnance - - - - -			457,447
Civil Establishments in the West Indies and North America - - -			25,716
Payments to American Loyalists - -			274,064
Expence of convicts upon the Thames, and provisions and tools sent to Botany Bay -			90,597
Various miscellaneous services, viz. African forts, Scotch roads, Repayments on addresses, &c. &c.			79,988
Deficiency of land and malt - -			430,000
Ditto of grants 1789, including interest on Exchequer bills - - -			231,517
Ditto of carriage duty - - -			30,520
And a farther sum to be voted in the present Session for American sufferers - -			60,000
Making a total of			5,787,449
And as it appeared that the debt of the Navy had increased about 150,000l. in the last year, he should therefore propose to the House to vote a sum in diminution of the debt, to the amount of - - - - - -			200,000
Making the total Supply			5,987,449

WAYS AND MEANS.

To meet the above charges, he proposed the following Ways and Means, viz.

	£.
Land and malt taxes - - - -	2,750,000
Actual surplus of the Consolidated Fund on the 5th of April last, which remained for the disposition of Parliament, and therefore could not be disputed - - - - -	621,151
Premium on the lottery, which was an increasing revenue - - - -	290,937
And the growing produce on the Consolidated Fund, after comparing the annual charge of the debt,	

debt, &c. with the average produce of the taxes for the three laſt years - -	2,300,000
Which, with a ſum of money which had been advanced for ſecret ſervice, and has ſince been repaid to the Civil Liſt, amounting to -	34,000
Will make the total amount of the Ways and Means - - - - -	5,986,088

In ſtating the above account of Ways and Means, the Committee could not accuſe him of exaggerating the income of the country, as he had, in order to avoid ſuch a charge, taken the average of the three laſt years, which in fact made the amount leſs by five hundred thouſand pounds than the actual produce of the laſt year; and though the produce of the laſt year had been much increaſed by the exertions of Government in calling in arrears of various taxes, he in fact had no reaſon to doubt but that the produce of the current year would conſiderably exceed the average of the three laſt. He mentioned the premium of the Lottery, as a reſource almoſt formerly loſt; but which (he congratulated the country) had been gradually increaſing, and reſpecting which he had been thought over ſanguine, when he had ſaid that he relied on it laſt year. At preſent, though the bargain was undoubtedly a good one for the public, it was not a bad one to the ſubſcribers, as he underſtood tickets were ſelling on Saturday with an advance of five ſhillings a ticket. He ſpecified among the articles to make up the ſum which he meant to take from the conſolidated fund,

A certain balance of arrears, - -	100,000
An increaſe of the tobacco duty - -	100,000
Arrears of aſſeſſed taxes, of which 600,000l. were out-ſtanding - - - - -	150,000

He next adverted to the amount of the revenues of the three years, from which he meant to make his average, ſtating in two different ways—up to the 5th of January, in the firſt way, and up to the 5th of April in the ſecond, as follows:

1788 Year ending January 5, - -	12,923
1789 - - - - -	13,007
1790 - - - - - -	13,440
Average - -	13,123
Land and malt tax	2,600
	15,723

Ending

Ending the year on the 5th of April, he ftated the amount of the three years and their average thus:

1788	- - - -	13,163
1789	- - - -	12,832
1790	- - - -	13,745
	Average - -	13,246
	Land and malt -	2,600
		15,846

This being the ftate of the Supply and Ways and Means contrafted, Mr. Pitt faid, he would mention the extraordinary expences which had been defrayed fince the year 1786, with the affiftance only of a loan of a fingle million, which had been borrowed laft year. He recapitulated the unforefeen increafe of the Peace Eftablifhment from various caufes, fuch as the aggravated Extraordinaries of the Navy, arifing from large purchafes of timber, and other ftores; the Extraordinaries of the Army, owing to the unliquidated demands at the end of the war; the expence of the armament in 1787, the charge which the generofity of Parliament had incurred on account of the loyalifts; the debts of the Prince of Wales; all of which, with the reduction of the national debt, would be found to amount to fix millions. He next fpecified the particulars of the reduction of the national debt fince the year 1785, ftating that no lefs than five millions one hundred and eighty-four pounds capital of the 3 per cents. had been purchafed, and the intereft of fo much capital taken off the hands of the public. He obferved, alfo, that annuities, amounting to 200,000l., had fallen in; and then he proceeded to ftate the flourifhing fituation of the country, with refpect to Exports and Imports, compared to former years of the greateft profperity. This important increafe of revenue, which had enabled the public thus to meet the various charges he had mentioned, he regarded as permanent, and as originating in one or two caufes; either in the fuppreffion of fmuggling, or the increafe of the confumption of the manufactures of this country, which proved the increafe of our wealth and population; or it might arife from the two caufes combined together. He faw no reafon whatever, after the minuteft inveftigation, to imagine that the prefent year's revenue, great as it was, would not be permanent, but on the contrary he entertained the moft fanguine expectations of a greater augmentation, from the increafe of our commerce, our manufactures, our induftry, our population, and our wealth. The country at this moment was in a fituation of profperity far greater than at any period the moft flourifhing before the laft war, and this he could

could inconteſtibly prove from a comparative view of the Exports and Imports of that period, compared with thoſe of the preſent. The Cuſtom Houſe books, he admitted, were inaccurate; but as they were not more ſo than at any other period, they would ſerve as the ground work of a compariſon. The Exports (from the ports of Great Britain alone) as valued by the Cuſtom Houſe entries, for laſt year, amounted to no leſs a ſum than 18,513,000 pounds; of which the Britiſh manufactured goods exported amounted to 13,494,000 pounds; upon an average of the Exports ſix years prior to the American war, which average he took on account of thoſe years being the period in which our commerce flouriſhed moſt, it appeared that the Britiſh manufactured goods exported, amounted to no more than 10,342,000 pounds, which proved the export of the laſt year to be above 3,000,000 pounds higher in favour of the Britiſh manufactures, than at the period to which he had alluded; and the preſent export of Britiſh goods amounted to 1,000,000 pounds value more than in 1787. The Imports into the ports of Great Britain alone, for the laſt year, amounted to a higher ſum than was ever before known, being valued at 17,828,000 pounds. At firſt ſight, this increaſe of Import might appear diſadvantageous, as it would ſeem to leſſen the balance of trade in favour of the country; this the Committee, however, would perceive, upon inveſtigation, not to be the caſe, but that the increaſe of Imports aroſe from circumſtances which demonſtrated the increaſe of the wealth and proſperity of the country; it iſſued from remittances of Fortunes from the Eaſt and Weſt Indies; from the increaſe of importations from Ireland, which gentlemen would recollect was a proof of the increaſing proſperity of that valuable part of the empire; from the Greenland and South Wales fiſheries, the imports from which were to be conſidered as adding to the ſtock of the country, being wealth poured in from the ocean; and theſe various increaſes were ſuch as accounted for the increaſe of 3,000,000l. value on our imports, and which could not but afford a ſtrong proof of the increaſe of our wealth, of our population, our induſtry, our ſtrength, and our enterprize. Our navigation had increaſed in proportion to the increaſe of our commerce. Mr. Pitt ſtated the increaſe of our ſhipping and ſeamen by a compariſon of the years 1773, and 1788, in the former of which there belonged to Britiſh ports 9,224 veſſels, and 63,000 ſeamen; and in the latter, 11,085 veſſels, and 83,000 ſeamen; ſhewing an increaſe of ſeamen in 1788, above the number in 1773, of no leſs than one third. All this the Committee muſt attribute not to caſual, but to radical proſperity, and it muſt operate as a farther ſatisfaction to the

Committee, as it was an additional proof that the increase of our revenue arose from an increase of our commere and national strength. He attributed these blessings, first to the goodness of Providence in favouring us with the continuance of the blessings of peace, for which we had abundant reason to return our most fervent thanks; and next he stated the secondary causes of this flattering prosperity to be the natural strength and vigour of the country, which exhibited the activity of the vital principle manifesting itself in every corner of the kingdom. This he ascribed solely to the national character and excellence of our constitution. It is that vital principle (said he) which results from a constitution superior to that of any other nation. It is to the national character operating under the liberties we enjoy from a constitution so congenial to popular freedom. It is to that peace and good order inseparably allied to an excellent constitution, that we must look for a continuance of these blessings. It is to the liberty of the country that we are to ascribe the restoration of our resources, their rapid increase, their wonderful progress, and their daily improvement beyond all former example. Next, and not the least important cause of our present happy situation, was the firmness manifested by that House in steadily persevering to face the danger and exigency of the times, to combat the difficulties and embarrassments in which they found the country involved at the end of the last war, and by a manly sacrifice of their own ease, and, in some respects, the ease of their constituents, to the paramount necessity of the State, to prove themselves the genuine representatives of the people; their steadiness in endeavouring to prevent frauds which sapped and undermined the public revenue; their activity and unremitting attention to the improvement, and their ardent zeal and successful efforts to restore the country to that share of its prosperity which it had lost, and to superadd so large an addition of revenue, would doubtless throw a lustre round the names of those who composed that House, and their memory would be endeared to posterity for having set the example of firmness in a moment when firmness was of such value to their country. He concluded by recommending a zealous and unremitting perseverance in that line of conduct, by which alone the advantages which they had obtained could be continued, and the blessings of peace maintained, and by which alone they could be enabled, when the day should come, to meet and to surmount the perilous exigences of war.

Mr. Pitt then moved, "That it is the opinion of this "Committee, that the sum of 2,300,000l. be taken from

"the

" the Consolidated fund, and applied to the service of the " current year."

Mr. Sheridan. Mr. *Sheridan* declared that it would have given him great pleasure, if he could have reconciled it to himself to have continued wholly silent, without appearing either to disturb the flattering prospect which the right honourable gentleman (the Chancellor of the Exchequer) had presented to the Committee, or to depreciate the calculation on which he had claimed the confidence of the House; but the right honourable gentleman had himself declared, that it had proved the greatest glory of the House of Commons when they manifested the courage to face their situation, and to state the truth of it, however unpleasant the task. On this ground, he felt himself compelled to maintain every one of his former calculations; and while he agreed with the Minister in his general principles, and in his statement of the growing prosperity of the country, completely to disagree with him in the single fact, that our income was equal, or nearly equal, to our expenditure. He had never spoken in a desponding tone of our resources; on the contrary, no man thought more highly of them, if judiciously applied. But his opinion was founded precisely on the principle which the right honourable gentleman had dwelt so much on; and this was a sanguine confidence in the energies derived from our Constitution, and the exertions which belonged to our national character. This the right honourable gentleman had well called the vital principle of our commercial prosperity; but it was one thing to call it so, and another to act on that conviction. He rejoiced to hear him admit the principle, but he should rejoice more when he saw him abstain from violating this vital principle, by arbitrary checks on the liberty, security, and industry of the subject. The right honourable gentleman had stated the amount, in a complicated manner; the usual forms and practice justified some part of the mode, which was intelligible to a very few. The method he should pursue was simply to compare the actual income with the actual expenditure; this he would do on the average of the four past years, and the present year. Mr. Sheridan then went through a variety of calculations from papers on the table, from which he contended that it was evident that the average annual income of the four last years was 15,723,000l. and the annual expenditure was 17,140,104l. Excess of the expenditure including what was called the surplus million beyond the income of each year, two millions and some thousand pounds. Mr. Sheridan then stated the extra and temporary resources, by which this deficiency had been made up, and the actual addition to the unfunded debt, independent of the loan of last year, which had been contracted while we

were pretending to reduce our funded debt. He then waved all unfavourable inferences from this review of the paſt, and reſorting to the figures, which he had taken down from Mr. Pitt's own ſtatement that day, he called on the Committee to ſhow how the account really ſtood for the preſent year. The Chancellor of the Exchequer had taken the beſt average he could, that of the three laſt years. This account made the average income 15,723,000l. and this was the income which the right honourable gentleman calculated at for the preſent year. He would ſay nothing to impeach this average, though much might be ſaid; particularly with reſpect to the manner in which the arrears of the land and window tax had been whirled in, and added to this year's produce, and the annual malt duty being taken above its actual amount. But, how did the head of expenditure ſtand upon his own figures, and on demands not to be diſputed?

Navy, — —	£. 2,200,000
Army, — —	1,874,000
Ordnance, — —	457,000
American Loyaliſts, —	274,000
Miſcellaneous Expences, —	328,000
Total,	£. 5,133,000
Add to this, Intereſt of debt,	£. 9,275,000
Paid for reduction of debt,	1,000,000
Civil Liſt, — —	900,000
Intereſt on Exchequer Bills,	258,000
Charge on Aggregate Fund,	64,000
The Appropriated Duties,	66,000
Militia, — —	91,000
Increaſe of Navy Debt this year	150,000
	£. 11,804,000
Add Services of the year, —	5,133,000
Total of this year's Expenditure at preſent demanded, —	£. 16,937,000

But as (Mr. Sheridan obſerved) there were many matters omitted, as paying for finiſhing Somerſet Houſe, and Carleton Houſe, he was confident that he underſtated the year's expenditure when he put it at ſeventeen millions. Here then the matter was brought to a narrow compaſs, the utmoſt income the Miniſter pretended to reckon on, was 15,723,000l. the difference, therefore, amounting to nearly 1,300,000l. was the actual deficiency between our income and expenditure.

Here (Mr. Sheridan declared) he made his ſtand; if the right honourable gentleman's principle was right, that the truth ought to be known: here was a ſtatement which admitted of no poſſible diſpute; for, every figure of it was taken from accounts upon the table—if it was anſwered, that we were not yet arrived at the peace eſtabliſhment, and that the expenditure would be greatly reduced: to that he would ſay nothing but to impreſs on the minds of the Committee, the indiſpenſable duty of looking to the performance of theſe promiſes; otherwiſe after all the pleaſing proſpects which were offered to us, and the eloquent congratulations of that day, the obſtinate and unfortunate fact would be, that we were a Government expending conſiderably more than a million beyond our income. Mr. Sheridan adverting ſlightly on the advantages which we reaped from the calamitous ſituation of the reſt of Europe, thought ſufficient allowance had been given for this by the Chancellor of the Exchequer, when he mentioned the ſubject; but he would not urge it, becauſe it was the only ſource of our proſperity which could not be dwelt upon with pleaſure.

He next mentioned the reſource of the Lottery, and regretted that it ſhould have been ſo triumphantly announced to the Committee. He contended that the ultimate and permanent loſs to the Community in the injury done to the induſtry and integrity of the lower claſs of people, outweighed infinitely, any temporary gain which the Miniſter could derive from it. He oppoſed it, therefore, on the ſame principle (and he had uniformly done ſo) that he oppoſed the extenſion of the Exciſe, becauſe it was part of a ſyſtem which looked to a momentary gain at the expence of thoſe ſound and ſuperior principles which formed the true foundation of our proſperity. He looked not to the Exchequer for the produce of a Lottery, but to the Old Bailey; not to the temporary advantage to the State in a pecuniary point of view, but to the exports to Botany Bay. In concluſion, Mr. Sheridan rerepeated, that he felt a ſincere ſatisfaction, at the general proſpect of the country's being in ſo flouriſhing a ſituation.

Mr. Pitt. Mr. *Pitt* begged leave to impreſs upon the recollection of the Committee that the honourable gentleman deſired them to compute the amount of the income and expenditure, by referring to a year remote from the preſent period, and which had not any analogy to it. By going back to that farther period, the year 1786, the honourable gentleman went back to a period when the French treaty, which had ſo conſiderably added to our commerce was not completed, and when many of the taxes had been ſo recently impoſed, that we could not aſcertain what would be the exact amount of their produce. There were other reaſons which rendered the

year

year 1786 peculiarly improper to be taken into the average. In the first place, the averages heretofore always taken and described to be taken, were for three years, and not for four; and next, the taking in that year made the average less to be judged from, than if it were excluded. Another objection to the honourable gentleman's comparison was, that he stated not the expenditure of the present moment, such as it actually was, but a temporary expenditure; and to that he had opposed not a permanent revenue, but a casual revenue. Mr. Pitt endeavoured to point out the alledged fallacy of Mr. Sheridan's reasoning, and the supposed erroneous foundation on which he had built his comparison, and then assigned various reasons to prove, that all that part of his speech which tended to take from the credit of having paid off nearly six millions, was exposed to question, and even to confutation. The honourable gentleman, because he thought the Lottery a wrong measure, had chosen to throw aside 290,000l. which the Public had actually obtained by a bargain already made: And, as to his complaint, that the expenditure was not brought down to the reduced establishment promised in a right honourable gentleman's (Mr. Grenville) report of the year 1786, the Committee would please to recollect that the reduction was not expected to take place till the year 1791, and he had every reason to believe, that next year the establishment would not differ very materially from that stated in the reports as expected to take place. He certainly did not mean to say, that in so many expences, and of so large and complicated a nature, as occurred in this country, there might not be mistakes. Some articles were, no doubt, omitted, and in the great and important article of the navy, deservedly a favourite with that House and the Public, there would probably be some addition necessary. Other articles had already been encreased with the consent and authority of that House, such as the additional strength of the West Indies, the regiments sent to India, and other particulars sufficiently in the recollection of the Committee. Mr. Pitt concluded with stating, that the whole of the honourable gentleman's argument went on the fallacy of taking the temporary expenditure, for the permanent expenditure, and not giving fair allowance for the income being a permanent income, he would have been left destitute of even the shadow of a refutation of the points which were advanced.

Mr. *Fox* observed, that although upon the present occasion, his sentiments almost totally coincided with those of his honourable friend, and in some respects also with those of the right honourable gentleman, he must beg leave to mention points Mr. Fox.

points in which they certainly did not concur. Towards the latter part of the right honourable gentleman's ſpeech, he ſeemed to be coming over a good deal to his honourable friend's argument, when he had complained that his honourable friend had compared a permanent income with a temporary expenditure. Was it unfair for a Member of Parliament, upon hearing a Miniſter ſtate a permanent income to ſay, "I ſhould like to know when we are to expect a reduction of the expenditure." If that was not fair, he was at a loſs to know what was the nature of their duty? Certainly the right honourable gentleman had given them a ſtatement of what had afforded him as much pleaſure, as he was perſuaded it had afforded the reſt of the Committee, when he mentioned the growing proſperity of our commerce, and the gradual riſe of our revenue. He had no doubt but that the right honourable gentleman was founded in ſtating that the proſperity of our income might be looked upon as permanent. We had therefore, the actual amount of our preſent annual receipt; but till we knew the actual ſtate of our permanent peace eſtabliſhment and expenditure, we were not arrived at that happy period, when we could reſt on fact and were no longer obliged to have recourſe to conjecture. He ſhould think it an unaccountable point of argument to ſay, on the mere view of the actual receipt on the one hand, and the temporary expenditure on the other, "now we are landed," and not to wiſh to have the permanent peace expenditure. With regard to taking the average of the three years and of the four years, he did not think that the right honourable gentleman had acted perfectly juſtifiable in leaving out the fourth year, unleſs he had likewiſe left out the next year (the year 1787) becauſe, if it were true that ſeveral commercial ſpeculations were kept back in the year 1786, on account of the French treaty not being completed, it muſt be equally true that the income of the next year was proportionably increaſed by the conſequent increaſe of the commerce of that year; he ſhould therefore always think his honourable friend fair in taking the year 1786 into the average. He was, however, clear with the right honourable gentleman, that there was the beſt poſſible ground for believing that the proſperity of the country was likely to remain in a rational, increaſing, arithmetical proportion as long as the public tranquillity continued, and that it would not be the leſs ſo if other countries were at peace likewiſe. He attributed this, with the right honourable gentleman, to the conſtitution of the country, to the national character, and to the ſpirit of our commerce: Mr. Fox took notice of what Mr. Pitt had ſaid was due to that Houſe for having firmly maintained its ground in meeting the exigencies of the State,

State, and putting themſelves, and what was ſtill more important, their conſtituents, to conſiderable inconvenience. That credit (Mr. Fox obſerved) every man of every deſcription in that Houſe, participated in; for whatever had been the difference in politics and revenue, and whatever controverſies and diſputes had at different times taken place between political parties or factions, to the credit of that Houſe, and to the credit of the country, no ſet of men had attempted to court popularity, by holding out to the Public falſe hopes of lightening their burdens and withholding ſuch additional taxes, as the nature and circumſtances of the times had rendered indiſpenſably neceſſary. He mentioned this, becauſe many people ſeemed not to be aware that thoſe with whom he acted had uniformly concurred with the other ſide of the Houſe in looking our ſituation in the face, and manfully meeting the exigency of the moment, in order to retrieve the proſperity of the country. With regard to a Lottery. in that Houſe it could not be conſidered as a bargain concluded till it was voted; though he had no doubt that a Lottery would be voted. But although he was aware that many gentlemen, on each ſide of the Houſe, were ſtrongly of opinion with his honourable friend, and he had great deference for his honourable friend's judgment, he could not help thinking that the ceſſation of a Lottery would not cauſe the ceſſation of the different evils to which it was thought to give occaſion. But when gentlemen counted the profits of a Lottery as a part of the revenue which was growing, he could not concur with them; yet at the ſame time he was ready to confeſs, that for the laſt ten years, he had been deceived, year after year in this particular, and if he were to enjoy the honour of a ſeat in that Houſe ten years longer, he ſhould ſtill in all probability, continue to be deceived; for he had not then, nor ever had, an idea, that perſons could afford to give the Public ſuch an egregious profit, and nevertheleſs be able to derive (as the right honourable gentleman had obſerved) a conſiderable profit from the Lottery themſelves: moſt undoubtedly, the propenſity to gambling in the Public at large was to be deplored; but as long as it was evident that this ſpirit would be exerciſed to the ſame extent, whether there was a Lottery or not, he thought it fair that the Public ſhould reap the advantage. He declared that he was one of thoſe, who had always been ſanguine on the ſubject of the income ariſing from the reſources of the country; there was a ſpring and an exertion in freemen, which he who calculated ever ſo ſanguinely could ſcarcely over-rate. In concluſion, Mr. Fox expreſſed an inclination to know what grounds there were for expecting ſuch a reduction in the eſtabliſhments of the enſuing year, as would bring them

cloſer

closer to the reduction of the expenditure stated in the report of the Committee of Revenue in 1786.

Mr. Pitt. Mr. *Pitt* having observed that it would prove unjust were he to suffer the candour of the right honourable gentleman to pass by without his acknowledgments and eulogium, admitted, that next year they should be bound to reduce the establishments conformable to the estimates in the report of 1786, or to shew good reasons why they could not be so reduced. On that he was ready to close with the right honourable gentleman, acknowledging that he should hold it his duty, in the next session of Parliament, to do either the one or the other, although he repeated it, that he had no reason to believe, that there would be any material difference between the establishments and the estimate which had been alluded to. With regard to the manner of calculating the revenue upon the average of three years, the right honourable gentleman had said, that if the fourth year, the year 1786, was left out, the next year, the year 1787, ought to be left out likewise, and only two years taken to make out the average. He was willing to meet the right honourable gentleman's idea; and, in that case, the average would prove still more favourable to him. The amount of the income of the two last years, up to the 5th of January, was, for the year 1789, 13,700,000l. and the year 1790, 13,440,000l. yielding a still larger average. The right honourable gentleman had remarked that there was much general merit to be given to the House for firmly persevering to restore the prosperity of the country; and that much credit was to be given to all parties for wishing to meet our situation fairly. Mr. Pitt admitted that it was true. He declared that he did not mean to insinuate any personal claim to peculiar merit; but he was sure that the candour and good sense of the honourable gentleman would see how easy it was for those to recommend who had only to recommend; and how widely different was the situation of that party to whom was committed the painful task of laying duties on the public, and of carrying the lessons of the other side of the House into execution, when, almost uniformly, the means which they had suggested for that purpose, had been objected against, and opposed, as more likely to counteract the principles in which they were all agreed, than to bring about their accomplishment. Mr. Pitt mentioned the treaty of Commerce with France, the Commutation tax, and various other measures against which he complained that opposition had made a powerful stand, and he protested that he rejoiced the more in being able to convince those who had differed from Administration in these points, and thought that they would not prove successful, that they had met with such eminent success.

Mr.

Mr. *Fox* begged leave to observe that the right honourable gentleman, although he had at first handsomely allowed, that all parties were equally entitled to the merit, if any were due, of having co-operated in endeavouring, by firmness, to restore the resources of the country, yet he could not close the subject without proving that the whole of his remarks concerning the difference between those who recommended, and those who, in pursuit of such recommendation, laid burdens on the people, was thrown away, and amounted to nothing more than a contradiction against his own argument. The right honourable gentleman well knew, that he had uniformly acted upon the principle which he stated; not merely while he was in a situation to recommend to others, but when he had been a minister himself, to propose measures, and he submitted to the right honourable gentleman how easy it had been for him, if he had chosen it, to have courted popularity, at the end of the war, to have taken up any of those opinions, at that time floating on the minds of the public, and to have said, "this is the hour to alleviate the "burdens of the people; in peace, taxes ought to be taken "off, there is no necessity for the public income equalling "the expenditure." The funds may be taxed. (A doctrine by the bye, which, though talked of without doors, no man in that House had dared to mention or recommend.) He would do the right honourable gentleman the justice to say, that when he stood in a situation to recommend, he had no more resorted to the sort of conduct which he (M. F.) had described, than those who had so long opposed him, on what they deemed good grounds. Many differences had not taken place on the subject of taxes, though in some few instances enumerated by his honourable friend in a late debate, those who acted with him had made an opposition. In obtaining a repeal of the Shop-tax, he certainly had taken a considerable share, but he did not think he had done any mischief to the revenue in that instance. With respect to the French treaty being brought in, it was a little straining the subject, since certainly the French treaty was more a matter of commerce than of revenue; though some gentlemen had considered it merely as a matter of commerce, others merely as a matter of revenue, and others again in its two fold and complex nature, as a matter partly of commerce and partly of revenue. The Commutation act might become the subject of future discussion, and therefore he should not enter into it, during the present debate; but he would defy the right honourable gentleman to prove that their conduct (for motives could not be proved) had ever warranted an imputation of their wishing to injure the revenue. For his part he had often declared, and always should declare, that were any measure to be proposed, respecting the

principle

principle of which they were agreed, but neverthelefs the means of carrying which into effect, appeared to him to be impolitic and abfurd, that he thought them fo; at the fame time ftating what he confidered as means more practicable and lefs objectionable. The right honourable gentleman had often thought him lefs fanguine than he was, in refpect to the poffible reduction of the expenditure, but the right honourable gentleman had never heard him exprefs a doubt of the refources of the country. He had, indeed, wifhed the expenditure to be ftated as high as poffible, and the receipt as moderately; and he never confidered himfelf to blame for this, becaufe he thought it better to meet the worft, than without certainty to anticipate the beft.

Mr. Sheridan. Mr. *Sheridan* rifing a fecond time, remarked, that if he could judge from the manner of the right honourable gentleman, he appeared to have referved the mildnefs of a peace eftablifhment for his right honourable friend, (Mr. Fox) and had hoarded his hoftile fpirit for him. He might as well, however, have fhewn, that

Grim-vifaged War hath fmooth'd his wrinkled front:

becaufe the right honourable gentleman well knew, that when he felt himfelf on right grounds this fpirit was not apt to weigh much with him. He declared befides, that he fhould have anfwered with equal hoftility, had not fome time elapfed, and his feeling fubfided. The point in conteft between them was, whether they were likely to have a reduction of the expenditure next year, fo as to provide for the furplus of a million? In the whole of the right honourable gentleman's fyftem, there did not feem the fpirit of making a reduction likely to bring the expenditure within or even nearly within, the eftimate of the Committee of 1786. How was he to make it? Was the army to be reduced? Or the Ordnance prodigality to be curbed? High founding fentences of profperity, were very pleafing to the ear; but in matter of figures and account, the fubject muft be more clofely examined, and he fhould continue to repeat that our income was not equal to our expenditure, till it was proved to be equal. With regard to Lotteries, he had, perhaps, had greater opportunity of knowing their bad confequences than moft gentlemen. He was perfuaded that if thofe confequences were as well underftood by the Committee in general, there could be but one opinion on the fubject. Having brought in a plan for the regulation of the Police of Weftminfter, which the right honourable gentleman would not reproach him with having abandoned (as it was abandoned by Adminiftration, and not by him) he had come at facts which proved that Lotteries were moft fatal in their confe-

consequences. Mr. Sheridan explained this declaration relative to the Police of Westminster, by stating that a plan for regulating that Police, had been framed by a Barrister, and brought forward from Lord Sydney's Office; that he had cordially assisted in making it, and given every help in his power, though it was not to be known that he did so, nor was he to derive any credit from it: that he necessarily had many conferences with the Westminster Justices, and they produced to him a pawnbroker, who said, that he never had such a number of things brought to him in the course of the whole year, as during the drawing of the Lottery. That first, the men brought their tools, then the women their clothes, and one thing after another, till at length they brought even the light silver clasps out of their children's shoes, and at last such a picture of penury, distress, and despair was exhibited, as must make every man of the least feeling shudder. That picture justified him in asserting, that let the profit acquired from the Lottery be ever so great, he should reject it, as the base gain derived from a vile and pernicious plan of playing upon the worst passions of the poor and laborious rank of people. Perhaps the right honourable gentleman and the Committee might think him too warm; but he could not avoid using the strongest language of reprobation, when he perceived that our prodigality equalled, and even exceeded, our income, and that we were imprudently most serious in providing means of expence, when our enemies were sunk into a state of debility.

Sir *Grey Cooper* doubted, that was, whether the right honourable gentleman was entitled to take the sum from the consolidated Fund, that he had stated? Sir Grey Cooper.

Mr. *Pulteney* observed, that he had listened at least to one observation of the right honourable gentleman with much concern, even whilst he felt himself bound to acknowledge his great merit in aiding the promotion of the prosperity of the country, and eager to congratulate the Committee on the Budget which they had heard opened. The right honourable gentleman had declared, that possibly some of the articles of expenditure must be increased above the estimate of 1786; but surely we ought not (like a man who determines on reforming his mode of living, and finding that his estate had an unforeseen accession of wealth, lapses into his former extravagance) to relax in our efforts of œconomy; because our income had increased. We ought not to proportion our extravagance to our prosperity, but to persevere in our endeavours to gain an increasing surplus, and to alleviate the burdens of the people, not only by reducing the public debt, but by lessening the number of oppressive taxes under which the people groaned. It was well known, that whenever a Mr. Pulteney.

tax was once imposed, Ministers never repealed it, but upon compulsion from the resistance made to it by the people through their representatives, or from its own insufficiency; it was, therefore, the more necessary to make use of the strictest œconomy, and reduce the establishments as much as possible, that they might be abled to do so satisfactory a thing to the feelings of the public as to take off some one or more of the most irksome of the taxes. Mr. Pulteney added, that he had intended to speak on the application of Excise on tobacco during the debate of the preceding Friday, but perceiving so many other gentlemen anxious to deliver their sentiments, he had forborne to trouble the House; he wished, however, that the Excise laws, as they, beyond a doubt, were likely to harrass the subject, and possibly to injure the manufacture to which they were applied, might not be extended where the revenue did not absolutely require it.

Mr. Pitt. Mr. *Pitt* answered that if the honourable gentleman conceived that he was averse from introducing a reduction of the expenditure or the establishments; he could assure him that he had greatly mistaken the drift of his remarks. He was far from thinking the increase of resources any excuse for prodigality, and was as anxious as any man in that House for applying, what, in the proper sense of the word, could be called true œconomy, wherever it could be applied. Could the honourable gentleman imagine any task more grateful for one in his situation than curtailing those establishments, and reducing them to such a level as prudence and a due regard to the public safety would warrant? but he could not consent, for the sake of courting popularity, so far to abandon his duty, as to hazard the most important interests of the nation, by prematurely proposing any repeal of taxes, or attempting to win the favour of the people by alleviating their burdens, before the finances of the country had arrived at such a state of prosperity as would justify the coming forward with a measure in every point of view satisfactory in the highest degree to the mind of a Minister. To act upon so important a particular with precipitation, and before matters were ripe enough for it, would not only be rash in the extreme, but extremely unjust and detrimental to the public in general.

Mr. W. Stanhope. Mr. *W. Stanhope* (after having premised, that although he had enjoyed the honour of a seat in Parliament, during fifteen years, the present was the most prosperous Budget he had ever heard opened) said, he rose chiefly to speak to a paper which had been laid, with others, on the table, and which contained the most extraordinary entries which he had ever read. His surprise was excited by observing the small return of Excise duties of Scotland. He had always understood,

ftood, that in England the Excife was the beft collected fyftem of taxes in the country, and in Scotland, from what he had read in the paper, he feared it was the worft. Our Excife was ftated to produce fix million three hundred thoufand pounds, whereas the Excife in Scotland did not appear to produce more than 230 additional pounds, although there was a Court of Exchequer, an Excife Board, and other eftablifhments mentioned in that country. Surely there muft be a neglect fomewhere, or fuch a return could not have been made. Under the head of Excife in England, he faw no lefs than ten or twelve different *items*, but none of them taken notice of in the return of the Excife of Scotland. Mr. Stanhope enumerated the different articles of lead, leather, fope, candles, &c. &c. and commented upon each, recommending a more ftrict obfervance of the conduct of the Board of Excife in Scotland for the future.

Sir *James Johnftone* faid, that he was forry to fee Scotland found fault with, but glad, upon the whole, that the inveftigation had taken place. He declared that the language of Scotland uniformly had been, "give us your laws and "your liberty, and we will give you our money." To that the Scotch would adhere, but if we would not communicate the bleffings we enjoyed, they would not open their purfes. With regard to mines, he knew that the country had fome; for, he enjoyed a property in feveral. He mentioned that Glafgow paid 4000l. a year for a duty lately impofed. He begged leave to inform the right honourable gentleman (Mr. Fox) who had intimated that no man in that Houfe dared to propofe taxing the funds, that he thanked Heaven that there was no neceffity, but if the cafe fhould occur, he wifhed the Land tax to be doubled, which the ftockholder would of courfe feel the preffure of; and, if it were abfolutely neceffary to fave their liberties and preferve the Conftitution and the country, he dared to fay, let the funds be taxed likewife. Sir James Johnftone

Sir *Richard Hill*, after congratulating the Committee and the country in general on the welcome Budget which they had heard opened, faid, that although he had in the laft debate the misfortune to difagree with the honourable gentleman over the way, (Mr. Sheridan) he concurred with him in every fyllable which he had uttered concerning the Lottery. The confequences were, he was perfuaded, moft injurious to the laborious part of the people, whofe virtue and whofe morals it was peculiarly the province of that Houfe to watch over, and therefore, although he did not fuppofe that his feeble voice would have any effect, he felt that he had done his duty by declaring his opinion to be Sir R. Hill.

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against the adoption of any such mischievous means for raising money.

The resolution was, upon the question being put, unanimously agreed to.

Mr. Pitt. Mr. *Pitt* remarked, that perhaps his Motion for Lotteries might not be carried unanimously. Although much had been said against them, he could not avoid observing that it appeared to him, that it was not the Lottery itself, which was attended with mischievous consequences, but the Insurances illegally carried on, and if any gentleman could suggest a means of totally preventing them, he would most readily adopt it, provided that it were practicable and likely to prove effectual.

Mr. Pitt then moved another resolution, viz. "That it is "the opinion of this Committee, that towards raising the "supply, the sum of 290,000l. be raised by Lottery."

Mr. Bastard. Mr. *Bastard* recommended drawing the Lottery in a shorter time, by multiplying the number of wheels into which the tickets were put; or to have it drawn by an unequal number of tickets each day, in order to foil the Insurance offices, and put a stop to their illegal practice.

Mr. Pitt. Mr. *Pitt* answered, that the proposition of drawing an unequal number of tickets each day (which had, he said, been in contemplation) would prove ineffectual, as the Insurance office keepers could make contingent Insurances, and govern their conduct accordingly.

The Resolution passed.

The House adjourned.

Tuesday, 20th April.

When Mr. Gilbert had brought up the report of the Committee of Ways and Means, the Resolutions were read a first time, and on the motion, "That the said Resolutions "be read a second time,"

Sir Grey Cooper. Sir *Grey Cooper* rose, and observed that he had omitted, on the preceding day, to express his satisfaction that the right honourable gentleman had at last directed his attention to the state of the Navy debt, and destined 200,000l. as a portion of his supply, for the reduction of that part of the unfunded debt. The application of that sum, at least, had become well nigh necessary to discharge the arrears of the course of the Navy, and the interest of the Navy and Victualling bills. On the first of May next, there would be eighteen months of registered bills, twelve months at interest; and though they might not be all interest bills, the interest must amount to more than 40,000l. per annum. This sum would make a part of the Navy debt, or exceeding of the current year; and the expence of the transport service

to Botany Bay would exceed that sum, and also make part of that debt: but he doubted whether the right honourable gentleman could, upon the most favourable statement of his Ways and Means, afford to apply this sum to the most proper of all services. The right honourable gentleman admitted that his supply amounted to 5,987,449l. He admitted that some other miscellaneous services remained to be voted; he would take it at 6,000,000l. only. He was afraid that there was no fund of Ways and Means which could, upon the highest estimate of the produce of the revenue for the next four quarters, equal that expenditure. It appeared to him that there was a fallacy, or an error, in which the right honourable gentleman had stated his Ways and Means for the next four quarters. He has taken 621,000l. for the surplus of the last April quarter, and he had taken the produce of the next four quarters beside. Let us try (continued Sir Grey Cooper) the truth of this assertion by the test of the other mode of making up the expenditure and income of the year, adopted by the famous Committee in 1786, and used in all statements since that time till the present year, when it happens to be most convenient to state it in the old manner, which conceals a fallacy better.

The Charges upon the Consolidated Fund are, interest of National debt	9,275,769
Civil List	900,000
Charges in the Fund	64,000
Appropriated duties	66,000
Million for discharge of the debt, leaving out the interest of Exchequer bills	1,000,000
	11,305,769
Add to this sum the supply of the year voted, or to be voted	6,000,000
Total expenditure	17,305,769

WAYS AND MEANS.

Amount of the annual revenue, as stated by the right honourable gentleman himself, from April 1789, to April 1790	13,246,000
Land and Malt	2,750,000
Lottery profits	290,000
Upon that Estimate total income	16,286,000
Deficiency on this statement	1,019,769
If we take the annual produce of the revenue even at	13,700,000

Which

Which the Consolidated revenues and incidents, and several adscititious articles, are stated to have produced within the last year, to April 1790.

Land and Malt - - .	2,750,000
Lottery - - -	290,000
	16,740,000

Total income on this highest estimate of the produce of the four quarters, with all computed or expected casual articles, such as balances of accountants, augmentation of tobacco duty, and the farther arrears of assessed Taxes.

But the expenditure of supply stated on the other amounts to - - -	17,305,769
Even upon this statement, in which every allowance is made, there is a deficiency of	565,769

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he had mentioned a variety of particulars in his opening the state of the finances on the preceding day, to not one of which had the honourable Baronet paid the smallest attention. The Chancellor of the Exchequer instanced the arrears on the assessed taxes, the increase on tobacco, and several other *items* in proof of his argument.

Mr. Steele Mr. *Steele* observed that the honourable Baronet chose to take his statement in a way different from that stated by his right honourable friend, who had taken it up the 5th of April, and consequently there must be an essential difference arising from the very contrary modes of statement.

The resolutions were then read a second time, and agreed to.

The House adjourned.

Wednesday, 21st April.

Mr. Courtenay Mr. *Courtenay* rising, remarked, that previously to his entering upon his intended discussion, it might be expected that he should make some apology to the House for the frequent notices which he had given of his intention to move for the appointment of a Committee to inquire into the expenditure of the public money in the Ordance department. That apology he was extremely ready now to offer; and at the same time to acquaint the House, that his intentions owed their delay not to any trivial, but to particular causes. In descanting upon the subject before him, perhaps it might prove an inducement to gentlemen to grant him a patient hearing, if he previously acquainted them that he would en-

deavour

deavour to study as much brevity as he conceived must suffice to convince them the appointment of this Committee was particularly necessary.

When the present Master General of the Ordnance was appointed, he departed from the usual line of conduct, to draw up a report which he presented to the House as a kind of code of laws for the future regulation of the Ordnance, or as a sort of Excise law; by this code alone he desired that he might be tried; and if it should be the pleasure of the noble Duke to roar, it would be in his own bull, not in that which he (Mr. Courtenay) might make; but without entering into any irrelevant detail, he should proceed to state those facts, which, he contended, would bring with them strength sufficient to convince even the right honourable gentleman himself (the Chancellor of the Exchequer) that the measure was indispensably necessary which he meant to propose; yet at the same time he could not but express a wish, that an honourable Baronet, who had made some advances in it, would have pursued the subject with that superiority of abilities which he had displayed in the discussion of it. The worthy Baronet had moved for an account of any balance that might remain in the hands of the Treasurer of the Ordnance on the 1st of January 1788, of sums voted in 1787; and this account had been returned, that there remained unexpended one sum of 195,376l. 17s. 3d. and another of 3,714l. 12s. 3d. which added together, made 199,091l. 9s. 6d. The truth of the fact alledged in this return he denied, and contended that it was an accumulated balance from the year 1784. Arguing on that ground, the noble Duke had acted in diametric opposition to one of the principles which he had laid down in his code of laws, which was, that the expenditure of the Ordnance should be stated at the end of each year; whereas, in this account returned to the House, the expenditure of several years had been stated in one sum, and each year was distinguished by the balance remaining of the sums voted for its expenditure; and this conduct the present Master General had always preserved. He laid down several principles, to which the noble Peer, (Marquis Townshend) when he was Master General of the Ordnance, adhered in every respect more strictly than he had done. It was on this account that the worthy Baronet moved for accounts of the four last years. If it had not been the wish and the intention of the noble Duke to conceal the real statement, he would have taken the specific sums expended each year, and have shewn afterwards the remaining balance. As, however, he had not thought fit to pursue this mode of conduct, he found himself under

the

the neceffity of ftating to the Houfe the different balances in 1784, 5, and 6.

In 1784, remained unexpended the fum of	91,614 12 8
Had the balance been ftated to the Houfe, every one might fee that there could have been no neceffity for voting fo large a fum for the exigencies of the enfuing year.	
In 1785, the balance remained of - -	16,984 17 6
In 1786, - - - -	15,453 0 0
Which added together, would produce a balance of above - -	124,000 0 0

When the honourable Baronet moved for the balance for 1787, it was ftated to be 200,000l.—but gentlemen would obferve that the fact was an accruing balance from the beginning of 1784, and that the real balance of 1787 was 75,000l which added to the 124,000l. mentioned before, would produce within a little of the 200,000l. ftated in the account: this he would prove in another way, by the eftimates for 1787; the ordinaries and extraordinaries were 328,576l. 17s. 3d. The real expenditure which could not be avoided, was 213,538l. which left a fum of above 115,000l. What, faid Mr. Courtenay, could be the reafon for this conduct? Some reafon the noble Duke muft have, which, though he would not declare, he fufpected to be this: that at fome future period he might ftate to the Houfe that this accumulating balance was favings, and might obtain a vote of confidence to carry on thofe fchemes of fortification to which he was fo much attached. Thefe, Mr. Courtenay contended, were facts ftrong enough to juftify himfelf from any imputation of acting through perfonal pique, or private refentment againft the Mafter General of the Ordnance.

The next fubject which he propofed to difcufs was the contracts. The noble Duke had ftated the neceffity of opening contracts with the Ordnance by public advertifements, and this had been the mode of conduct adopted by the late Mafter General, in confequence of which, the Public had faved more than twenty per cent. It appeared, however, from accounts prefented to the Houfe, that the prefent Mafter General, though he had laid down that principle, never followed it; and that no open contracts had been made for the laft fix years. Perhaps it might be faid that articles were obtained cheaper by any other mode—granting this, ftill the friends of the noble Duke muft allow, that in departing from

his

his own system, he tacitly confessed that system to be erroneous. As to the powder mills they were maintained at an enormous expence, and were evidently meant to deprive the powder manufacturers of every power of providing Government with that article. It would not prove a bad measure to lay it under the excise; for if any accident happened to the excisemen, it might not be of so much signification. By these Government powder mills, there would exist no necessity of enforcing the game laws; for no poacher could buy powder it would be so dear! As a natural result of this extravagance of expenditure, the noble Duke would effectually prevent his right honourable friend, Mr. Chancellor Pitt, from pursuing his scheme of reducing the national debt. He would make it absolutely necessary for him to have recourse to a method suggested in the American war, of seizing on the lands of the bishops. Like the first Master General of Artillery, mentioned in Milton, the present one might exclaim, that

"Down they fell—
Bishop on Archbishop hurl'd,
Into the dark abyss."

The mode adopted to admit men into the corps of Artificers was similar to that made use of by the Philanthropic Society, that no children should enjoy the benefits of that institution who could not prove their parents to be profligate—so here no man could be admitted into the corps, unless he certified that he could neither handle an axe or a saw. As to forts, it appeared that in 1786, the sum of 34,449l. 16s. 7d. was voted for improving and completing Cumberland Fort. In 1787, a motion was made to know how much had been expended—An account was returned that 27,000l. more was necessary. Surely the Master General might have stated to the House, that so much more was wanted—no—the confession was extorted from him; and in 1788, by another account moved for, it was found that 27,000l. would not be sufficient to improve and complete that which the noble Duke had peremptorily asserted might be completed for 34.000l. Would any person venture from these facts to assert that the House ought to give a vote of credit to a man, whose every estimate had thus proved fallacious, from the estimate of his first grand fortification scheme, to the present period; and yet this is the man of whom one of his right honourable friends (Mr. Pitt) has triumphantly said, that if there were any popularity in the country, it is certainly due to him. These facts, however, then the right honourable gentleman did not know; now that he was acquainted with them, he did not entertain a doubt but that he should have his support to his motion.

motion. Perhaps it might be necessary to explain to the House, that whenever the noble Duke talked of improving and completing any fort, he meant, pulling it down and building one five times larger than the old one. It might also not be unnecessary to state to gentlemen, that though he was baffled in his grand fortification scheme, he still pursued it in detail, by erecting forts in different places, at different periods, when they were really not wanted. And thus when the country gentlemen had beaten the noble Duke out of his ditches at Portsmouth, and driven him from his covered ways at Plymouth, he took a kind of lover's leap from Mount Edgcumbe, and, from the alacrity which he always evinced in sinking, people thought that he had plunged irrecoverably to the bottom; but on a sudden they beheld him rise again, surrounded with fascines, gabions, and chevaux de frises, in the West Indies. And here he could not help remarking the negligence of the noble Duke, with regard to the erection of those forts in the West Indies, the expences of which he was not able to state, except from estimate and conjecture. The sum estimated was 200,000l.; but if he might judge from the general conduct of the noble Duke, he should contend that double this sum would scarce be found sufficient. To garrison these islands, the number of troops necessary would amount to twenty or thirty regiments, of which half of them might very well be said to die in the space of a year; for, of four regiments landed in the West Indies on the first of August, Hunter declared that one half were dead on the first of January following, and the other half unfit for service. The civil establishment in the West Indies was now 4000l. a year. This was a new system introduced by the noble Duke, who in the West Indies, and in England, had increased the civil establishment of the Ordnance one fourth. He remembered when first the noble Duke came into office, he went into a rigorous extreme of œconomy, dismissed many gallant officers who had served their country, and particularly one who had bled under General Wolfe. Perhaps the posts which they held in the Ordnance might be unnecessary; he would not contend that; but this he would contend, that the only comfort to the feelings of these gentlemen would have been the knowledge that the Duke had erected no unnecessary places. This consolation, however, was not theirs.

Thus had he discussed, as briefly as possible, the whole of the public conduct of the Master General of the Ordnance; he had proved that he had arrogated to himself applause which he did not deserve; that he had unnecessarily demanded the public money; that he had accumulated a

balance for several years, which he had studiously concealed; that when any Ordnance account had been moved for, the officers of that department had dared to give an erroneous account; that with respect to fortifications, the noble Duke had presented fallacious estimates; that the House had been able to obtain no information from him, except what was extorted; that in carrying on the manufacture of powder, he had been four times a dealer; that in prosecuting any Ordnance work, every soldier and artificer cost the public six or seven shillings a day, instead of half-a-crown; that in the West Indies he had been wasteful and prodigal of the public treasures; and that he always deviated from the system which he had laid down. He should therefore move, "that a Committtee be appointed to examine into the expenditure of the public money under the administration of the present Master General and Board of Ordnance, from the 1st of January 1784."

Mr. *Minchin* begged leave to assure the right honourable gentleman, that he was mistaken in stating that several sums had accumulated, and that if a balance remained one year, and another balance the next year, they ought to be added together; for, if this year a balance of 90,000l. remained, and the next year the sum of 100,000l. the House were not to conclude that in the two years there existed a balance of 190,000l. but only of 100,000l. that is, of 90,000l. in the first year, and 10,000l. in the second year. With respect to the increase of salaries, that was owing to the perquisites of the clerks being taken away, to whom this increase had been allowed as a compensation; and with regard to the increase of the civil establishment, it arose from the renewal of old places; but no new places had been created. Mr. Minchin.

Captain *Berkeley* declared that the noble Duke at the head of the Ordnance had waded through its vast mass of obscure accounts with the perseverance of an Hercules; and that his mode of management had been such as to preclude the shadow of ground for the charge of peculation, or any other degrading impropriety. The noble Duke, by having purchased powder mills, not only broke a combination amongst the powder manufacturers, but also afforded Government with a cheaper and better sort of that article. As to the appointment of a corps of artificers, it was a plan which met with the full approbation of Lord Heathfield, whose praise always implied a laudable cause. Concerning the erasement of Cumberland fort, the honourable gentleman was inaccurate, for it had not been pulled down, but altered and amended. The noble Duke, when he came into place, found the estimates so loose, that they would cover any Captain Berkeley.

expenditure, he set himself to work to cleanse the Augean stable, and he had succeeded. The noble Duke attacked the Hydra vigorously, and although it took him four years to accomplish his intentions, he at last got through the whole. As to the returns, there was no embezzlement in them; but granting the fact, merely for the sake of argument, the obvious conclusion was, that the present motion did not go far enough. The noble Duke, in such a case, ought to be impeached. The honourable gentleman, Captain Berkeley added, reminded him of a foolish fellow throwing dirty water against the sun; the dirty water fell on the head of the dirty thrower. With regard to bargains for the Public, since he had been at the Board, he did not know of one which had been made without a contract. The noble Duke, he should again repeat, was surely justifiable in having purchased powder mills with the public money, when he discovered that the grim, smutty, and black army of powder-mill proprietors had entered into a combination to keep the price of powder high; and upon this occasion it was the noble Duke told them, that if they did not lower the price, he would purchase certain mills, specifying where they were situated: these he afterwards did purchase, and there powder was manufactured at a much cheaper rate for the public, and much better in itself than they had obtained before; and every gentleman must be aware, that it was a material object to have powder made of good ingredients, and not to be served as during the last war with an article of such consequence, so bad as to its quality. With charges equally groundless, the hononourable gentleman had thought proper to follow the noble Duke after his ridiculously-imputed lover's leap from Mount Edgcumbe to the West Indies; but the fortifications carried on there were constructed under the authority of Parliament, and the expence had been regularly voted, from time to time, by that House. As to what the honourable gentleman had hinted respecting a port at home, till he stated the circumstances of the case and his authority, all he could say was, that he knew nothing about it; and he believed that the honourable gentleman knew as little about it as himself. He believed that the honourable gentleman would be much mortified if he carried his motion, as he scarcely thought that if he had a window in his breast, and the House could look into the dark recesses of his heart, that they would find that he was much in earnest; the noble Marquis, who was Master General when that honourable gentleman was surveyor General of the Ordnance, having assured him (Captain Berkeley) that he was so far from perceiving any thing wrong in the noble Duke's plan of conducting matters relative to the Board of Ordnance, and all

all which came under that department, that he highly approved of it, and thought it a proper model for others to imitate. If they went into the inquiry, Captain Berkeley said, that he was sure that the noble Duke and his character, like sterling gold passing through fire, would come out purer, than they entered. [Captain Berkeley was called to order from the Chair, in the course of his subject, more than once.]

General Burgoyne. General *Burgoyne* declared, that if he had a window in his breast, it would be seen, that from the bottom of his soul, he was, upon the fullest conviction, an enemy to the noble Duke's rage for fortification, being thoroughly persuaded that our West-India islands could only be secured by a superiority of naval force. He had heard it said, that the House of Commons was not a proper place to examine a Board of Engineers; but it was a proper place to examine into the expenditure of the public money; to call witnesses to the bar to ask whether the fortifications proposed would prove adequate to the defence of the respective islands; to inquire what quantum of fource would be necessary to man them; to discover whether that brave and distinguished character, General Matthews, (who knew more respecting the West Indies than any officer in the service) approved of the plan of fortifications; and above all, to ascertain whether the islands themselves desired to have them, and had voted any money towards them in their assemblies? The General protested that he entertained great personal respect for the noble Duke at the head of the Ordnance: he knew his integrity and his talents, and he had received many civilities from him; but it was his duty, as a Member of Parliament, to say that he thought the noble Duke's idea of fortification erroneous; and, indeed, the nation itself cried out against it. General Burgoyne mentioned the report respecting the island of Dominica, which was founded on no better estimate than that of a deceased officer, Captain Bruce, in the year 1772: and he had made the estimate eighteen years ago. The General commented on this circumstance and concluded with declaring that the noble Duke's zeal for his country was absorbed in fortification:

> It was the ruling passion in his breast;
> Like Aaron's serpent, swallowed all the rest.

Mr. Martin. Mr. *Martin* having observed that he should vote for the motion, added, that if the noble Duke possessed the merit which was imputed to him, the House ought to go into the Committee, and do him justice, and give satisfaction to the public.

Mr. Rose. Mr. *Rose* begged leave to remind the House, that in proof of

of the absolute necessity, during the last war, of fortifying the West-India islands, as a security against sudden surprise, when hostilities commenced between France and this country, we had a superior naval force in the West Indies, Admiral Barrington being at that time there at the head of a fleet, and yet the very first news which the Admiral heard of war having broke out was conveyed to him in the intelligence of the capture of Dominica, and the very next step taken by the enemy, was the capture of St. Vincents. Mr. Rose explained the circumstances of these two captures; in Dominica, we had fortifications; but not a sufficient force to man the works; and in St. Vincents, there was a complete regiment, but they were so spread and diffused that they could not be collected, so as to resist the enemy, and prevent the capture of the island. Next fell Tobago, and then the island of Grenada. Mr. Biron, who had a choice of difficulties, having either to stay and protect the island, or go down to the leeward and protect the homeward bound fleet, which was worth a million and a half sterling, chose the latter, (Mr. Rose said) and he had himself received a letter from an officer in that fleet, who observed in it, that they were going down to leeward to protect the valuable homeward bound fleet, but, that in all probability, the island of Grenada would be lost in their absence. The event verified the prediction, and Grenada fell soon afterwards; but these islands had not been in possession of the French three months before they profited by our neglect, and fortified them, insomuch, that six months afterwards, when we attempted to retake St. Vincents, the officer, who was an honourable member of that House, and a brave and skilful commander, without any reflection upon him, was repulsed, although the inhabitants on the spot were fully sensible of the injury which they received from the change in the government, the loss of their property, ill treatment and other inconveniences. Mr. Rose mentioned our having gotten possession of the island of St. Lucie, and contended that nothing could be more clear, than that to guard against a sudden surprise, and secure the islands till assistance could be brought, fortifications must be erected.

Captain Berkeley.

Captain *Berkeley* rose to explain and to make a few more observations, which the reproof he had received from the Chair (he said) had made him forget when he was before upon his legs. The more the conduct of the Board of Ordnance was examined, the more it would be found that every alteration introduced by the noble Duke, was made not to increase but to save expence. In the salaries there was a decrease of about two hundred and ninety-two thousand pounds. In answer to the question from the honourable gentleman

whether

whether General Matthews approved of the fortifications in the West Indies? he had it in his power to state that he did approve of them and so did the islands; nor did the matter rest on his bare assertion; he had in his hand an address of the Council of St. Christopher to the General, on his coming among them, in which they expressed their warm approbation of the fortifications.

Mr. *Fox* having remarked that he persevered in his obstinacy, if he was in the wrong, and his resolution, if he was in the right, to oppose the extension of fortifications, expressed his astonishment that the honourable gentleman should have challenged any Member to dispute the propriety of the increase of the fortifications in the West-India islands, at a time when the House were not in a state to discuss that question, since no man could argue upon it unless he had materials to enable him to judge whether they were more or less necessary. Therefore, before he could listen to the arguments of the honourable gentleman over the way, he must first inquire, what number of men the fortifications now carrying on would want, and whether we had a sufficient force in the West-India islands to man them, or else the House might be putting the West-India islands into the very state which an honourable gentleman had described Dominica to have been in the last war; as having works without men, and as serving rather as a strength for the enemy after they had captured the island, than as a protection of the island, while in our hands. That House should be upon its guard before they voted any money towards fortifications, and they ought to know whether they had the means of defending them, or using them as a defence after they were erected. He should, therefore, give his vote for the inquiry, if it were only to know to what an extent the fortifications were to be carried. The honourable gentleman over the way had said, that they could but very imperfectly satisfy the House respecting the state of the fortifications already begun, and added, that the want of that information lay with an officer sent out by government, whose silence on the subject hitherto remained to be explained. Mr. Fox censured Captain Berkeley's mode of saying, that he knew nothing of the fact to which his honourable friend had alluded, and that he believed the honourable gentleman knew no more of it than he did; that was (Mr. Fox declared) an uncivil mode of reasoning, and totally inapplicable in the present instance; for what could be more fair than for his honourable friend to say, "I am in possession of such a fact, "and if you will let me go into a Committee, I will prove "it." His honourable friend stated the account on the table from the Board of Ordnance to be a false and fallacious account,

Mr. Fox.

account, and the honourable gentleman over the way said, "Do you accuse the noble Duke of peculation ?" He defied the honourable gentleman to prove, that his honourable friend hinted at such a thing; if he had, no man would have heard him with more concern, nor, indeed, with more indignation than he should. That there should be much merit in answering in four years what the noble Duke had himself proposed to answer every year, (Mr. Fox said) he could not conceive. No man esteemed the noble Duke more than he did, but he thought the honourable gentleman's praise of the noble Duke far from judicious. Mr. Fox complained of the manner in which the right honourable gentleman had pleased to take up his honourable friend, and observed that it was not calculated to shew the honourable gentleman's confidence in the goodness of the cause which he had maintained, and it was clear that it was not satisfactory to those who heard him, as he had been obliged to be stopped by the highest authority in the House. His honourable friend (Mr. Courtenay) was superior to the obliquy which had been endeavoured to be thrown upon him; he was a man of as much political independence, of as steady and as firm an attachment to his friends, as ever existed, and of as good character as an unimpeachable life could secure to any individual whatsoever; and he was to the full as respectable as the honourable gentleman himself, who had chosen to depart from civility and politeness, and so to argue *a re ad personam*, that he had justly drawn down the correction of the Chair against him, and stood checked in the unwarrantable freedom of his language.

Mr. Pitt. Mr. Chancellor *Pitt* congratulated the Speaker on the restoration of order in that House, which had, in a great measure, been owing to his care and attention; but he feared that even under his auspices, they should not arrive at a perfect state of order, unless assisted by the authority of the right honourable gentleman, who, in a stile, and in a language which could not but make an impression on all their minds, had laid down the rule of order, by stating, that the Member who argues *a re ad personam* is disorderly. Though he was glad to hear that short rule of order from the right honourable gentleman, who (as the House well knew) never offended against the rule, he could not avoid taking notice of the topic which peculiarly called up the right honourable gentleman. The right honourable gentleman had said that he would not reason generally, whether the fortifications afforded complete security to our West-India islands! No person expected that the fortifications could afford our islands complete security; all which was expected from them was, that they would prove a competent security against a surprise. With regard to the expence and the extent of the fortifi-

fortifications, Adminiſtration certainly did not know accurately, but from the beſt accounts of which they were poſſeſſed, they could venture to pronounce that they would not exceed the ſum ſtated to Parliament two years ago; and as to the force and the expences, the Houſe was aware of them already, which was an anſwer to the firſt inference drawn by the honourable gentleman on the other ſide, who had ſaid, that the Houſe embarked in expence, without knowing its extent, and probable conſequences. He did not think that the right honourable gentleman reaſoned with his uſual clearneſs, when he contended, that the works at Dominica, though of no uſe to us, from a caſual want of force in the iſland, rendered the iſland impregnable when in the hands of the French. With regard to the preſent ſtate of the fortifications, he could aſſure the Houſe that an officer had been ſent out with directions from the Board of Ordnance to ſuſpend all farther proceeding in them, if it ſhould appear that the works were likely to exceed the eſtimate. The honourable gentleman over the way had ſaid, "I call "for inquiry, becauſe I think the Office of Ordnance has "acted improperly." The office anſwers, "We are innocent." The honourable gentleman then replies, "If ſo, you cannot "be againſt any inquiry." That argument was plauſible; but it was neither becoming the dignity of that Houſe, nor proper, that it ſhould waſt that time, which could be ſo much better employed in attention to actual and important public buſineſs, by entering into frivolous and unneceſſary inquiries, or where there was not a ſtrong caſe previouſly made out to induce the Houſe to adopt the inquiry propoſed; and on the preſent occaſion he did not think that a caſe ſufficiently ſtrong to warrant an inquiry had been made out. The noble Duke at the head of the Ordnance, had laid down general principles calculated to give perſpecuity to the Ordnance accounts. This had been admitted on all hands, and it was equally known, that before the noble Duke came into office, the buſineſs of the Board had been conducted in a very unſatisfactory manner. With regard to what the honourable gentleman had ſaid reſpecting the noble Duke's conduct, in relation to the gunpowder, that was a queſtion not ſo much of expence as expediency. It certainly was material that the Public ſhould be ſerved with good powder, and have it in its power to combat againſt combination and aſſiſt itſelf. The great queſtion relied on by the other ſide, was the queſtion of the fortifications in the Weſt Indies, which was inapplicable to the motion; and, therefore, he ſhould oppoſe the appointment of a Committee.

Mr. *Fox* anſwered, that he certainly ſtated that if they began to erect fortifications, and then from a principle of œco- Mr. Fox.

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nomy ftopt fhort, and did not fend out an adequate force to man them, they weakened inftead of giving ftrength to the Weft Indies; juft as if a perfon were to buy piftols and blunderbuffes to guard his houfe, and had no money to purchafe gunpowder; a robber might break in, and turn his own weapons againft the owner of the houfe. The whole of the queftion depended on a comparifon of the expence with the utility, and he was fatisfied that he fhould not do his duty to his conftituents, if he put them to the expence without firft knowing the comparative utility.

Sir Wm. Younge. Sir *William Yonge* declared, that from perfonal knowledge he could affert that fortifications were abfolutely neceffary for the defence of the Weft-India iflands. He ftated the cafe of an endeavour in the courfe of the laft war to recover one of our iflands, which failed, without any imputation on the officer, who had fince died of his wounds.

Mr. Sheridan. Mr. *Sheridan* expreffed his concern that he had not been prefent in the early part of the debate, and then proceeding, refted the queftion on three iffues: firft, that the noble Duke had declared that he would ftate the accounts yearly, and had not done fo for four years, till called upon to produce them; next, that he had put the public to an unneceffary expence; and, thirdly, that the eftimate on the table was falfe and fallacious. When the corps of Royal Engineers was propofed to be reduced, the noble Duke ftated his motive for avoiding that reduction, and defired to ufe the men as military artificers. This the Houfe granted, and the next year, the noble Duke averred the men were totally unfit to act in that capacity; and he defired to have a new corps formed of artificers. The honourable gentleman, had boafted that when an account was called for, the Ordnance Board had prefented one in a fhort time; but why was it not every year laid on the table, according to the noble Duke's promife? After a variety of other obfervations, Mr. Sheridan next remarked, that the Chancellor of the Exchequer had commenced his fpeech with a panegyric on the order of that Houfe. He was ready to admit that the Speaker was at all times attentive to the prefervation of order; but he was not willing to go fo far as to fay, that under his aufpices they might hope for a reftoration of order, becaufe he had fome degree of refpect for the memory of the Speaker's predeceffors. As to his right honourable friend, whom the Minifter had, with a degree of illiberality, fingled out as an individual inftance of a Member prone to go *ab re ad perfonam*, it was fcarcely neceffary to mention an acknowledged fact, and affirm that there was no perfon more free from perfonality in general.

Mr.

Mr. *Courtenay* contended, that his arguments had not yet been contradicted. He had never charged the noble Duke with peculation, but had observed, that he laid down a principle for himself, which the noble Marquis (Townsend) approved and adhered to, while he was Master General, as successor to the noble Duke; and that was only for nine months; he wished it had been longer. He blamed the noble Duke for not having kept to his own principle. Mr. Courtenay reasoned again on the balance of 199,000l. and upon the fortifications in the West Indies, reading an extract from a letter written by Lieutenant Glency on the subject of Fort Cumberland. The noble Duke, he said, like Milton's Sun, became dark through excess of light; he had, he declared, carefully avoided throwing any reflections on the noble Duke, because he knew that he was founded in his arguments, and therefore, although he was sometimes, perhaps, more personal than he ought to be, he had not indulged in any personality in the course of the present debate. Mr. Courtenay

The question was negatived without a division, and the House adjourned.

Friday, 23d. April.

Mr. *Rose* brought in a bill for rendering perpetual the act for impowering the Commissioners of the Treasury to farm the duties payable on Post-Horses, which was read a first time. Mr. Rose.

Mr. *Sheridan* expressed his astonishment at seeing a bill, fraught with such danger, and introducing so new a principle, in the collection of the revenue of this country, brought in without the smallest previous notice. If such a bill were suffered to pass in silence, it might be considered as a very favourable precedent for extending the principle to other branches of the revenue; and, for that reason, he wished to call the attention of the House to the measure. Whatever advantage the revenue might have derived from the new mode of collecting the Post-Horse tax, he was at a loss to guess; because those whose duty it was to bring such matters forward, at a proper time, had neglected to produce any account of its increase. Mr. Sheridan.

Mr. Chancellor *Pitt* answered, that the alteration of the mode of collection had undoubtedly, been of considerable advantage to the revenue, and therefore, he wished to render the act permanent. He did not mean to hurry it through the House; and if the honourable gentleman had any intention of opposing the principle, he would have an opportunity of doing so on the second reading. He had no objection against producing the account. Mr. Pitt.

Mr. Sheridan. Mr. *Sheridan* expressed his satisfaction that the right honourable gentleman had so far acquiesced as to think an account necessary, though he could not help saying it would have come with more propriety before the bill was brought in.

Mr. Sheridan then moved that the bill be printed, which was ordered, and the second reading was fixed for the ensuing Tuesday.

Mr. Whitbread. Mr. *Whitbread* having moved that an humble address be presented to his Majesty, that he would be graciously pleased to order the report of the Commissioners who had been appointed to examine into the fees and perquisites paid at the verious Public Offices, to be laid before the House, so far as the same related to the Victualling-office, a conversation of some length took place.

Mr. Pitt. Mr. Chancellor *Pitt* opposed the motion, on the ground that no good reason had been given for the production of a partial report.

Mr. Bastard. Mr. *Bastard* supported the motion, and read from a paper (which he said had been put into his hand) a variety of abuses which appeared to have existed in the department of the Victualling-office.

Mr. Bernard. Mr. *Bernard* recommended the House to pause upon the Motion then before them. The reports in question were written on the idea of being presented to the Privy Council, as directed by the act; and it behoved the House to be well assured, that there was nothing in them improper for the public eye, before they called for them.

General Burgoyne. General *Burgoyne* spoke in favour of the motion, and paid many compliments to the character of his relation (Mr. Burgoyne), who had voluntarily resigned his situation as one of the Commissioners of the Victualling-office.

Mr. Rose. Mr. *Rose* objected against the production of the report, because it might tend to criminate certain gentlemen who had taken an oath with regard to the emoluments of office.

Mr. Sheridan. Mr. *Sheridan* said that if he had ever entertained a doubt of the propriety of having the report before the House, he was now convinced of the necessity of it. If any abuses existed, he thought it fully as expedient, that those who committed them should be responsible to the House of Commons, as well as to his Majesty's Ministers.

At length Mr. Hussey moved an amendment, which was agreed to, that the whole of the report of the Commissioners, so far as they had proceeded, should be laid before the House.

The order of the day being moved for the second reading of the bill for explaining and amending the tobacco Excise bill, passed in t h last Session of Parliament,

Mr.

Mr. *Sheridan* observed, that though he had been obliged to abandon his arguments against the principle of the bill from the decision of the House, the manufacturers of tobacco were so fully convinced of the injustice of the principle, that he had in his hand a petition from them, praying that the survey of the Excise might not be applied to the manufacture of tobacco. Mr. Sheridan.

Mr. Chancellor *Pitt* remarked, that the prayer of the petition was of a very singular nature; for if it were complied with, it would amount to a total repeal of the act. He had no objection, however, to the petition being received, yet, he thought the present was not the proper stage of receiving it. Mr. Pitt.

The *Speaker* observed that, according to the form of the House, the proper time of moving for leave to bring up the petition was after the bill had been read a second time, and a motion made for the commitment. The Speaker.

The petition was accordingly brought up, and ordered to be referred to the Committee of the whole House on the ensuing Tuesday.

Mr. Wilberforce moved, that Captain Wilson do attend the Committee on the Slave Trade, as an evidence.

Mr. *Alderman Newnham* conceived, that farther evidence was unnecessary, and would occasion delay, by which those concerned in the present question had already suffered too much. Every thing had appeared to convince that House of the impracticability of an abolition of the Slave Trade: a measure which must either ruin our West-India Colonies, or drive them from their allegiance to this country. He was by no means prepared to give up this allegiance, and hoped that a manly and decisive vote would be passed, which might put an end to a business pregnant with such dangerous consequences. Mr. Ald. Newnham

Mr. *Gascoyne* begged leave to ask the honourable gentleman (Mr. Wilberforce) how many witnesses he intended to call? Whether he meant, chiefly, by these witnesses to impeach the veracity of the witnesses brought forward on the other side; and what space of time the examination of his witnesses would take up. Mr. Gascoyne.

Mr. *Wilberforce* declared himself ready to answer the questions put to him by the honourable gentleman, though he feared that his answers could not be satisfactory. He must, in the first place, however, repel an insinuation of the honourable gentleman, conveyed, as he imagined, by the second question. He certainly did not mean, nor ever meant, to impeach the veracity of their witnesses in general. There was, indeed, one witness, the veracity of whose evidence he had impeached, and he yet saw no reason to alter his opinion; but he begged the honourable gentleman would Mr. Wilberforce.

candidly distinguish between a suspicion entertained of the evidence of one man, and a suspicion of the evidence of a body of men. In answer to the first question, he must intreat the honourable gentleman's permission to ask another. How many witnesses did he intend to call? It was, indeed, a question which he could in no other manner answer. He would not presume to bound, by his limited speculation, the facts which the Committee might think it necessary to establish; and on their opinion only, the number of witnesses to be called must depend. With regard to the third question, he must return the same kind of answer. The time to be employed in the examination would certainly become measured by the information obtained. These were the only answers he could make to the honourable gentleman's questions; but he must beg leave to observe, that this was perhaps the only occasion on which any one was desired, before the discussion of a question, to contract for the number of witnesses, and the time necessary for their examination.

Mr. Gascoyne. Mr. *Gascoyne* said, he certainly had not received from the answers of the honourable gentleman, the information he hoped for, and had a right to expect. He saw, however, that delay was intended, and he requested the House to consider the destructive consequences of delay in this business, more than in any other which had lately engaged the attention of Parliament. While reform was projected on other subjects, no present evil was suffered;—gentlemen had obtained honour by proposed reforms in religion, in government, and the equalizing of weights and measures, without any individual suffering inconvenience from the discussion; but on the present question, every step was on dangerous ground. He pressed this on the House, and concluded by declaring, that although it was his intention to vote for the present motion, not dreading any inquiry, he was so much convinced of the importance of a speedy decision, that he should follow it by a motion for a call of the House on Monday three weeks, when the evidence obtained might be produced, and the general question of abolition brought to a final issue.

Sir George Howard. Sir *George Howard* seconded the motion for a call of the House, from a conviction that nothing could be more impolitic in this case than delay. He lamented that the inquiry had ever been brought forward, but being under discussion, the sooner it was determined on the better.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that for the question, that Captain Wilson be called as an evidence before the Committee, he should certainly vote; but he declared that he would not qualify his vote by any promised assent to the motion

motion for a call of the House, of which (though he had no objection to a call of the House at any time) he could see no propriety on this occasion.

Mr. Fox spoke in favour of proceeding in the examination of evidence, and against restricting it in point of time, by fixing any particular day for the call of the House. The question, he thought, came to a very short issue. It had been asked, how long the examination would continue? This question the honourable gentleman (Mr. Wilberforce) had answered, by asking how long the cross examination on the other side would continue? This, it was evident, must depend upon the degree of credibility of the witnesses; the former, upon the quantity of information which they were able to afford. Whenever, therefore, the House proceeded to the examination of any one witness, it became impossible for them, with any degree of propriety, to fix limits to the duration of it. It had been contended, that delay was the only object which the honourable mover could have in view by persisting in the examination. This reflection was altogether unfounded; and the honourable gentleman who made it should recollect that they themselves had first caused the delay. When the honourable gentleman first brought forward the question, he declared himself ready to proceed immediately to the final discussion of it, without any more information than the materials then on the table, and the general principles which the question involved afforded. But the persons who opposed the abolition of the Slave trade then insisted for an examination of witnesses. This was granted them, and it has now continued during the space of years. At last it is concluded, and a similar request is made upon the other part, to which they are pleased to object, and to say, that the only end it can answer is to procure a delay. During the last two years, it is said, the enthusiasm on the present question, both in and out of the House, has greatly abated. If this be true, the friends of the Slave trade have already gained an advantage by delay; and why then should they object to a continuance of it? Gentlemen had observed that the French, in the height of their present enthusiasm, had yet not been so mad as to abolish their slave trade. To this he would answer, that the great blessing of having a fixed and establshed government, such as ours, is to be able to look our abuses in the face, and correct them with deliberation and safety. It had also been remarked, that the honourable gentleman (Mr. Wilberforce) by bringing the question to an immediate discussion, should attone, as far as he could, for the mischief he had occasioned by ever bringing it forward at all. He was himself of an opinion far different, and thought that the honourable gentleman, by moving this question, had atoned,

atoned, in a great measure, for the general tenor of his political conduct.

Lord Mulgrave. Lord *Mulgrave* bore testimony to the character of his honourable friend (Mr. Wilberforce) and to the purity of the motives which had induced him to bring forward his original proposition. At the same time he thought it incumbent on the House to come to as speedy a decision as possible.

Lord Penrhyn. Lord *Penrhyn*, pressing for an immediate determination of the question on the evidence which had been already taken, observed, that gentlemen who argued on the humanity of the measure, ought to reflect that some consideration was due to those whose property was deeply affected by the proceedings which had taken place, and which, if protracted, might lead to the most fatal consequences. When he saw the infatuation almost bordering on frenzy, which had taken possession of the public mind without, and saw it also extended to some men of the most enlightened understanding within doors, he felt extreme concern that the latter, at least, did not think of the danger to be apprehended from its extending to the West Indies, where the disproportion of blacks and whites was so great: he trembled for the consequences, and if there was no other reason for an immediate decision, that consideration alone ought to have much weight with the House.

Sir Grey Cooper. Sir *Grey Cooper* lamented the delay which had already taken place, and was proceeding to enter into the general question of the policy of the Slave trade, when he was called to order by the Speaker.

Mr. Grenville. Mr. Secretary *Grenville* declared, that the part which his honourable friend (Mr. Wilberforce) had taken in this business, if it went no farther, deserved the gratitude of his country; it had produced many salutary regulations, which had relieved the miseries of the slaves in their passage from Africa, and had rendered their situation in the West Indies much more tolerable than before.

Sir Wm. Younge. Sir *William Younge* conceived, that if the abolition of the Slave trade were to take place immediately, it would ruin our colonies in the West Indies.

Mr. Pitt. Mr. Chancellor *Pitt* expressed a hope, that as they were unanimous in thinking that the question ought to be fairly and fully argued, there would not be any great difference of opinion as to the propriety of hearing farther evidence. He thought it rather strange that those gentlemen who oppose the abolition of the Slave trade, after taking up so much time in examining evidence on their part, should object to any examination of witnesses whose testimony might controvert any point which they wished to establish.

Mr. Marsham. Mr. *Marsham* observed, that the resolutions adopted for the better regulation of the Slaves in the West Indies had

been framed before the honourable gentleman (Mr. Wilberforce) had taken up the business. For his own part, though he was particularly interested in the West Indies, he should, on the general question, give as honest and independent a vote as ever he had done in his life.

Mr. *Grenville* declared, that he did not mean to throw any reflection on the conduct of the planters; on the contrary, he thought that they had considerable merit in doing what they had done. Mr. Grenville.

Mr. *Sheridan* said, that he should vote for the question of the right honourable gentleman (Mr. Wilberforce) though he was decidedly of opinion that it was the duty of that House to determine on the general question in the course of this session. It would be to the last degree impolitic to leave it to the consideration of a new set of men, who might be ignorant of the information collected by the present Parliament on this subject. He was convinced, however, that sufficient evidence would be collected in time to satisfy every Member with regard to his vote on the general question of abolition. For his part, he required no evidence, no farther information to convince him, that the power possessed by the West-India merchant over the slave was such a power as no man ought to have over another. He conceived that the evidence now wanted was not connected with the establishment of regulations in the trade; nor indeed necessarily with the general question, which it was undoubtedly proper to decide upon previously to the expiration of the present session. Mr. Sheridan.

Mr. Chancellor *Pitt* declared, that he did not, in any degree, consider the question as one which Ministers were pledged to support. Mr. Pitt.

Mr. *Windham* proposed hearing the evidence on one side, as well as the evidence on the other; and replied to the arguments which had been adduced for going to an immediate decision. Mr. Windham

Sir *James Johnstone* thought that postponing the final decision was dangerous; and hoped that the business would not be protracted, like a Chancery suit, for twenty or thirty years. Sir James Johnstone

Mr. *Wilberforce* complained that it had been insinuated that he felt that the opinions with which he had set out were shaken by the evidence which had been received, and wished for farther evidence to reestablish and confirm them. No inference could prove more distant from truth. On the contrary, every assertion which he had made, with regard to the state of Africa, the manner in which slaves were obtained, their treatment on the passage, and their general treatment in the West Indies, and the effects of their abo- Mr. Wilberforce.

lition, appeared to gain additional ſupport the farther he proceeded in his inquiries. It was not to confirm his own opinions that he wiſhed for additional evidence, but to clear up doubts which other gentlemen appeared to entertain. An honourable Baronet had alluded to the length of ſuits in Chancery; but, admitting the evil, could any worſe mode of putting an end to it be adopted, than to decide after hearing one ſide of the queſtion? As to the idea which had been thrown out of agreeing to finiſh the examination within a certain time, as the croſs examination of any one witneſs might be longer than the examination in chief, if any Member of the Committee choſe to make it ſo. To ſay that an examination muſt be finiſhed within a certain time, was ſo like the examination by torture, which the laws of this country abhorred, that rather than have ſuch an examination, he would relinquiſh it.

The motion for hearing the evidence, propoſed by Mr. Wilberforce, was carried without a diviſion.

Mr. Gaſcoyne. Mr. *Gaſcoyne* then moved for a call of the Houſe upon the Monday ſe'nnight, which, he ſaid, might be poſtponed if the evidence ſhould not be cloſed before that time.

Sir George Howard ſeconded the motion.

Mr. Marſham. Mr. *Marſham* declared that he ſhould object againſt the motion, unleſs it were ſtated that the evidence would be cloſed before that time.

Mr. Pitt. Mr. Chancellor *Pitt* diſapproved of any motion for a call of the Houſe, unleſs for a preciſe purpoſe, which, till the evidence was concluded, could not be ſtated, and then gentlemen muſt have ſome little time to read and conſider the evidence.

Mr. Ald. Newnham. Mr. Alderman *Newnham* thought that the buſineſs would not, in all probability, be decided this ſeſſion of Parliament, nor perhaps during the preſent Parliament. Some reſolution ought, therefore, to be paſſed, to pledge the Houſe to a ſpeedy deciſion at the commencement of an enſuing ſeſſion.

The motion for a call was negatived; the Houſe reſolved into a Committee on the Slave trade; the report immediately received, and a Committee appointed to examine witneſſes ordered to attend.

The Houſe adjourned.

Monday, 26th April.

As ſoon as the order of the day for the Houſe to reſolve itſelf into a Committee on the Duke of Athol's bill had been read, and the queſtion put, "that the Speaker do now leave "the chair,"

Mr. Curwen. Mr. *Curwen* obſerved, that being perfectly convinced that the bill was ſo defective that it could not by any amendment

amendment which it might receive in the Committee be rendered unobjectionable, he should oppose the motion. When it was considered, how very thinly attended the House had been on a former day, it would possibly be thought right, that he should again go over the grounds on which the bill was formed. Mr. Curwen then re-stated all the principal grounds of the bill: the alledged inadequacy of the price paid to the Duke of Athol for his sovereignty of the Isle of Man and the precipitancy with which the bargain had been concluded. In order to obviate these allegations, he stated in detail, all the circumstances of the correspondence between the Duke of Athol and the Lords of the Treasury, in 1764, mentioning the passing of what was ironically called the Mischief Bill in the beginning of 1765, and the ultimate bargain made and confirmed by the act of investment in 1765, under the authority of which the late Duke received 70,000l. sterling from Government, for the purchase of his sovereignty of the island. He next went into a train of argument founded on calculation, and assumed *data* to prove, that the Duke of Athol derived only a certain income from the customs of the Isle of Man, none of which customs could be imposed but with the consent of the Legislature of the island; consisting of the Lord, the Council, and the House of Keys. He recapitulated the produce of the Customs arising from the various articles imported into the island, stating that the whole of the duties on the fair trade of the Isle of Man amounted to 983l. but that since the island had been under the government of Great Britain, it was much improved in population, manufacture, and commerce. He next, mentioned the import of tobacco, and having added the amount of the duties on that article to the other sum, took notice that it had been observed, that the amount of these duties might have been increased by the House of Keys. It was true it might, but not without oppressing the country, deserting their duty, and abandoning and abusing their trust, which it was not likely they should do, because if any one marksman had been found so wanting as to have lost all sight of character and honour, and to have acted in that manner, he must have quitted the country, and never have shewn his face there again. Mr. Curwen declared that there was one part of the bill which struck him forcibly; and that was, where the noble Duke complained of the inadequacy of the compensation and the precipitancy with which the bargain had been conducted. This had never been before stated, although the noble Duke had agitated a bill in 1780, when he had been five years in possession. It was surely strange, that if the noble Duke felt the grounds of those complaints, it should be twenty-five years

after the bargain had been finally closed, that the House first came to the knowledge of them. The Receiver General of the island had, some years since, attended at the bar of the House of Lords, and there stated, that there were no objections to the bargain. Mr. Curwen dwelt on this singular silence as to such material facts, if founded, and then mentioned the application of certain military funds, which had formerly been payable towards the repair of the castle, but which afterwards (as it was the opinion of the law officers of the island, that as the whole produce of certain duties was applicable to the service of the public, they had a power to apply it as they thought proper) had been applied to the maintenance of the ports and harbours. Had such a bill as the present at any time passed, he should have been extremely sorry, as he should have thought that the House gave delegations to others, to do that, which it was their duty to do themselves. If the noble Duke expected the bill to pass, he should, in the first instance, have given them reasons why the bill ought to pass; whereas, instead of any one proof of the necessity for its passing, he saw nothing but allegations. Mr. Curwen alluded, in the course of his speech, to the Duke's letter, wherein he declared that he was contented with the sum of 70,000l. to which an addition of 2,000l. a year was afterwards made. If the Commissions were issued, that the present bill went to authorize an inquiry, how was the expence which it would occasion to be paid? He saw no sort of provision for it in the bill, and he knew that the inhabitants had not funds to answer it, nor to repair the jail or prison of the island, in which there was but one room, wherein all the prisoners, of all sorts and descriptions, were put together, to the disgrace of this country. A bill had some time since been sent over for the Royal assent; its purpose was to provide for these objects, and to enable the inhabitants of the island to repay themselves the expence which they had been put to, when the former bills required their opposition, as well as to allow them the means of defending themselves against the present bill, if it should prove necessary.

Mr. Powys. Mr *Powys* observed, that he had carefully perused the various documents on the table, and the result was, that of all the bills which had been introduced into that House, this appeared to him to be the most extraordinary. The bill certainly had much merit from the address with which it was framed; yet the clauses were more ingenious than precise; not one of the various allegations which were scattered through the bill, as the grounds of the enacting clauses, seeming to him either founded in fact, or established by proof. Propriety (the bill observed) and justice were its objects.

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The propriety was, that the facts were not true, and the justice so founded might easily be guessed at. In the preamble, it stated that the true intent and meaning of the act of 1765 was to annihilate the fraudulent trade carried on in the Isle of Man. That assertion was not true; the bargain made with the Minister was so, but the object of the act was (what its title declares) "to authorize, confirm, and carry into effect, a bargain made." &c. One of the clauses stated, that sufficient time had not been given to inquire and ascertain, what the rights of the Duke of Athol in the Isle of Man were, previous to the bargain. One should suppose, from such a statement, that the intended purchase of those rights was a matter quite new to the Athol family; whereas it was evident, that the business was begun in a preceding year, and in a train of correspondence and treaty for many months together. Nor was that all: former Ministers had entertained thoughts of the purchase: Mr. Pelham in particular, seemed desirous of bringing the sale to a conclusion. Let the House turn to the noble Duke's letter and see what he said upon the subject. The answer of the Board of Treasury was, "we must know the nature and value of the "rights which the Duke of Athol possesses in the Isle of Man." And the special reservation of particular things made by the noble Duke, proved that he had inquired and did well know what they were, and the amount of their value. The purchase made by Government, undoubtedly, went only to the sovereignty; none of the material rights were included; the inhabitants of the Isle of Man, therefore, from the moment that the bargain was complete, stood in a new situation, and acquired an interest in every change in Government. They were, in fact, parties to the present bill; did they consent? And if they did, how had that consent been signified? This bill, was the first instance of a bill of the sort which had not been submitted previously to the Crown lawyers, and had their sanction in the House. He begged to know what accurate judgment could be formed at this time, more than the Duke or Duchess of Athol could have made at the moment. The claim now exhibited of taking back what Government did not want, was something like this: suppose a gentleman were to purchase a manor in a sporting country, for the sake of sporting, and for the preservation of game, and there being ground and quit rents on the manor, the seller of it, at twenty-five years distance, were to come to the purchaser, and say, "You bought my "manor for the sake of sporting and the preservation of game, "but there are ground and quit rents on the manor. You "do not want them: give them back to me?" Would such a conduct be endured between individual and individual? Mr.

Powys

Powys wished to ask whether one of the parties still living, the Duchess Dowager of Athol, was to be set aside as to her claim of right? Were there to be no compensations for those who were, of all others, the first persons entitled to a compensation? The present bill was a bill of inquiry. Inquiry sounded well; but let gentlemen look to the object of inquiry, and the consequences which it would in all probability draw after it, and they would probably think it most prudent not to open the bargain at all.

Mr. Dundas. Mr. *Dundas* expressed his wishes that the bill might receive the fullest investigation, and that any opposition which might be made to it, should arise in that House fairly, and not issue from indirect and insidious attempts to establish prejudices grounded upon the grossest misrepresentation and falsehood. If the opposition against the bill within those walls could prove that the bill was what the reports without doors stated it to be, he should rest satisfied that the bill ought not to pass, but if he could convince the House, that the bill on the part of the noble Duke was fair and honourable, and that it was founded in an undeniable appeal to the justice and liberality of that House, upon which it called for the fulfilment of their part of a bargain made twenty-five years since, but which never yet had been completed, he trusted that he need feel but little apprehension from the false impression which had been attempted to be fixed abroad respecting it. He was not sorry for the prejudices, unjust as they were, which had been excited without doors by the industry of misrepresentation, and the gross calumnies which active malice could prompt and publish; because, he had never known prejudice to start up against the rights of an individual which were not removed by a liberal and dispassionate inquiry into their nature and validity: such an inquiry as would, in the end, create an interest in his favour amongst the persons whose credulity might have been imposed upon.

As the act of 1765 stood, the public most clearly had not yet fulfilled the terms of the bargain entered into with the Duke of Athol at that time. In the first part of the bill, the Duke of Athol, for the sum of 70,000l. agreed to give all his rights of sovereignty in the Isle of Man; and in the second, the public contracted that the noble Duke should possess all the manerial rights as fully as he or his ancestors at any time had possessed them. The Duke had long since complied with the condition on his side, and given up his sovereignty of the Isle of Man; the Public had not fulfilled their engagements, since, by the ambiguity of the act, the noble Duke had been kept out of many of his manerial rights, which were never intended to be withholden from him. Parliament was therefore bound in justice to inquire into the

case, and to remove every ambiguity in their own transaction. Mr. Dundas observed, that he was obliged to the honourable gentleman who had objected against the Speaker's leaving the chair; for having moved for the opinions of the Attorney and Solicitor General, since they had served to enable him to add to the conviction of the House, that the fact which he had just stated was founded, and that the public had not yet fulfilled their part of a bargain, expressly stipulated to be performed by them. When the opinion of the Crown lawyers (those of Lord Loughborough and Mr. Wallis) were given (Mr. Dundas said) they appeared to him rather to conceive it to be their duty to maintain and assert the rights of the Crown than to lean at all to the claim of an individual: at that time he had the good fortune to walk out, amidst a triumphant majority, with many of whom it was well known that he was not in the habit of agreeing in politics, and it gave him, he owned, some concern to see several of them take up the question as they did now; since, in 1780, they had said, "If the Duke of Athol had been injured, and an unfair or an hard bargain has been made with him, in the name of Heaven let it be set to rights; and at any rate, let justice be done to the Duke of Athol." It was not without uneasiness that he perceived several of those gentlemen among the foremost to oppose the present bill, which stood precisely upon the same principle with that of 1780, with this difference only, that the bill of 1780, stated specific claims, such as the herring custom, &c. to which this bill did not allude. He could not discover the opinion of Sir Fletcher Norton, (who was the Attorney General who drew the bill, vesting the sovereignty in the Crown of Great Britain, and who, therefore, could best tell what was in the contemplation of Government at the time) printed among the rest. He happened, however, to be in possession of that opinion of Sir Fletcher Norton, which he would read to the House. Mr. Dundas produced the opinion, and cited the answers given by Sir Fletcher to each; in almost every one of the answers, Sir Fletcher states, "the right in the case alluded to, clearly belongs to the Duke of Athol; but that from the change which has taken place in the government of the island in consequence of the sovereignty being vested in the Crown, the Duke cannot exercise this right; and as it is the intention of Government to have another bill, this point must be provided for in that bill." Answers to this effect repeatedly occured in the course of the case, which (Mr. Dundas contended) undeniably demonstrated that the bill of 1785 was a bill hastily drawn and precipitated through both Houses, in a state of known defectiveness, it being the object of Government at the time, to conclude

clude and secure the measure; and at a future opportunity, by a bill, to explain and amend, to correct its imperfections, and regulate, ascertain, and arrange all its secondary, but subordinate, considerations. Sir Fletcher Norton gave the opinion, which he had just quoted, in the year 1766, and being then Attorney General, and the person who had drawn the Vesting act, the year before, he must clearly know what was his own intention, and what the view of Government. Mr. Dundas admitted that the opinion of the Attorney General of the Isle of Man was a pretty round one against the Duke of Athol; but if the report of Lord Loughborough and Mr. Wallis were referred to, it would be seen in what light those gentlemen considered it. He had seen, in a newspaper, published not a great way from the Isle of Man, an account of the last debate, stating him to have declared "that the rights "of the inhabitants of the Isle of Man were in danger: and "that he wished not to take the rights, but the possession of "the inhabitants of the Island of Man." If gentlemen thought it worth their while to resort to newspapers as the means of creating alarms and apprehensions without doors, he wished that they would forbear to deal in misrepresentation, and print what he did say, and not what he had not said. He admitted that he had talked of the possessions of the inhabitants; and if upon an examination it should turn out, that the inhabitants of the Isle of Man, from the situation into which the Duke was thrown, from not having it in his power to protect his manerial rights as before the sovereignty of the island was vested in the Crown, had obtained possession of what, in fact, belonged to the Duke, would any man who heard him assert that he thought the inhabitants so circumstanced, ought not to be dispossessed, and the possession restored to the right owner? He again explained to the House (as it was fuller than it had been on the night of the former debate on the subject) that the Duke of Athol had not at present, as he had before he was divested of the sovereignty, the same means of protecting his manerial rights. When he was sovereign of Man, all the inferior courts were under him, and the magistrates of the Courts Baron were the noble Duke's stewards. The case was now widely different; and although the act of 1765 expressly restored to the noble Duke all the manerial rights as fully and effectually as if no such act had ever passed, no means had been taken to carry the contract into effect, and the Public appeared to see that contract with as much indifference as if it had never been bound to carry it into execution. On this occasion, Mr. Dundas declared, that he was only supporting an opinion of the majority of that House, who had acted upon that opinion, and passed the bill of 1780, though the Duke of Athol had

had afterwards, on the score of a particular reason, withdrawn it in the House of Lords. He again and again reminded the House that the Duke of Athol, was not now in possession of legislative authority to enforce those rights which Parliament gave him, and that Parliament were bound to secure them to him. It had, he was aware been said that the present matter was a job; if so, it was the most extraordinary job he ever heard of, being a job in which the jobber desires the House to probe his job to the bottom. Mr. Dundas next proceeded to meet the objection grounded on the idea, that they ought to delegate their powers, but should conduct the inquiry, and examine the witnesses, at their own bar That was not practicable, because it was impossible to enter upon the inquiry, without going to the Isle of Man to ascertain the different and disputed rights, and examine records and titles; and that was wholly contrary to the practice of Parliament. By referring the mere inquiry to Com- ers, the House delegated none of its functions; they reserved to themselves the powers of adjustment and decision as to any measures which might, hereafter, be proposed, when the report came from the Committee, and in fact only authorized a proceeding of a preparatory nature, (which they could not execute themselves) to be executed by others. Mr. Dundas answered that part of Mr. Curwen's argument relative to the Duke's income from the Isle of Man, and contended, that it might be estimated at six thousand a year, and with the increased taxes, it might possibly now produce 8000l. and there was some allowance also to be made for the taxes, that the House of Keys, through his influence, might have raised. With regard to the compensation which was paid for the sovereignty of the island, the Minister of that day (whom he never would accuse of injustice) was impressed with the idea, that it was necessary that the Duke of Athol should part with it, having been given to understand, that 360,000l was lost to the revenue of the country in consequence of a subject possessing the island. He mentioned a writer, who both knew and saw the determination of Mr. Grenville to have the Isle of Man, if Parliament would vote it; and thence the proceedings, in 1764, 1765, with the cause of which they were acquainted. The Duke of Athol had reason to feel himself hurt, if Parliament did not keep strict to its own bargain. It ought to be remembered, that the Duke of Athol parted with sovereignty; he parted with a globe and sceptre which no man would willingly relinquish; he parted also with all the *insignia* and functions of royalty, with the power of naming Judges and appointing magistrates, and let them recollect the different treatment and conduct which had obtained in cases scarcely similar.

When the Heritable Jurifdictions were put down in Scotland, becaufe it was thought neceffary to take away that feather in the cap of thofe who were poffeffed of them, what had been the conduct and the circumftances of the cafe? The Heritable Jurifdictions involved no property. The advantage they gave was merely to enable thofe who held them to oppress others, and to exercife a little lordlinefs and power; and yet on looking back, they would find that ten thoufand pounds were given to fome families, fifteen thoufand to others, and twenty-five thoufand to others again; and all this as a compenfation for nothing of intrinfic value; whereas in the cafe of the Ifle of Man, the Duke of Athol fold an annual and an increafing revenue, befides this fovereignty, which was certainly a dignity and a diftinction which no man would willingly have laid down for little more than double the fum. Indeed, fo far was the prefent Duke of Athol from being contented with the furrender of fuch rank and income, that he was ready, to-morrow, to pay back the feventy thoufand pounds, and to give the ampleft fecurity which fhould be required, that he would adopt fuch regulations as fhould adapt themfelves to the wifhes of Government, with a view to prevent illicit practices from being carried on in the ifland. The honourable gentleman had afked who was to pay the expence of the commiffion which the bill then before the Houfe went to authorize; if the Houfe, upon confideration of all the circumftances of the cafe, really thought that the noble Duke ought to pay it, he was fure he would confent to pay it; but in that, as in every other part of the tranfaction, he threw himfelf on the candour of the Houfe. It had been remarked, that the Dowager Duchefs of Athol did not complain, or countenance the prefent application; and that both fhe and her late hufband were fatisfied with the bargain of 1766. He would not fuppofe that the honourable gentleman, when he firft introduced the name of the Duchefs into that Houfe, meant to throw a cenfure on the noble Duke, or (what was ftill more cruel) to endeavour to widen a family mifunderftanding; happily, however, the circumftance had produced an oppofite effect, and he held in his hand a letter from the Dowager Duchefs, in which fhe avowed that neither fhe, nor her dear hufband, had ever ceafed to complain of the hard meafure which had been dealt out to them. Mr. Dundas read the letter to the Houfe, in which, in the moft explicit terms, the Duchefs ftated her feelings upon the fubject; that the bargain had been forced upon her; that neither the Duke nor fhe were aware of the value of what they had been called upon to fell; that they named 70,000l. becaufe they underftood from Lord Mansfield, their mutual friend, that

no more would be given, if they asked it; and that even then they would not have signed the contract, if they had not been promised the pension of 2,000l. a year, as a part of the bargain. The letter also stated the progress of the proceeding, and mentioned, that had not the mischief act (as it was called) passed, and thence materially injured the property and revenues of the island, the late Duke could scarcely have been prevailed on to consent to sell what he valued more highly than any pecuniary consideration whatsoever. Having read the letter throughout, Mr. Dundas again enforced the argument which he had used on a former evening, concerning the injustice done to the present Duke, by making an annuity any part of the compensation for an entailed estate, since the heir was thereby deprived of his share of the compensation which robbed him of his birthright. It was stipulated by Government to allow the Duke and Duchess Dowager a pension of 2000l. sterling, on their joint lives; but by some mistake it had been paid in Irish. With regard to the commission authorised by the present bill, Mr. Dundas declared that the Duke of Athol did not at that moment know who were to be the commissioners; that he wished for nothing but justice, and justice, in every case, that House was not only bound to give to all who appealed to them for it, but ready, for their own honour, to hold out at all times where the claim was clear. In the present instance, the claim went still farther; it was a claim on their liberality; because, undoubtedly, if it were insisted on, the bargain was a bargain, and the letter of the bond said so; but that House, he was sure, would not act upon such iron principles.

Mr. *Curwen* declared that the right honourable gentleman had done him no more than justice in stating, that he did not believe he meant to do any thing cruel or unhandsome in introducing the name of the Duchess Dowager of Athol in the last debate; he had introduced it merely because he spoke from authority, and it was, he conceived, fair in argument to state it as he had done; but he could appeal to the whole House, whether he had mentioned it invidiously? No man rejoiced more than he did on hearing that a reconciliation had taken place between the two noble personages in question. In order to prove, however, to the House and the right honourable gentleman, that he had not spoken without authority, when he took the liberty of stating what he had advanced in a former debate, he had a letter in his hand, which he would read to the House. Mr. Curwen then read part of a letter from the Dowager Duchess of Athol to a gentleman, in which her grace said that she had not heard a word of the application to Parliament till she

Mr. Curwen.

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ſaw it in the newſpapers; and ſhe mentioned a variety of other facts on the ſubject. Mr. Curwen took occaſion to juſtify the character of the Attorney General of the Iſle of Man from what he thought an inſinuation againſt it by Mr. Dundas, and to ſpeak to ſome other points; he alſo produced the opinions of the Attorney and Sollicitor General and Clerk of the Rolls of the Iſle of Man, which ſtated, that they had heard of no complaints on the ground of injury to the Duke of Athol's intereſts having been preferred; and if any injury ſhould be done his Grace reſpecting his manerial rights, he might eaſily obtain redreſs from the Judicial Courts of the iſland.

Mr. M. Montagu

Mr. *M. Montagu* contended, that the Duke of Athol had not ſtated his claims in a manner ſufficiently diſtinct to warrant the Houſe in the delegation of their powers to others, a proceeding which the Houſe, in his opinion, ought never to adopt but in a caſe of urgent preſſure; and, for his own part, in that ſtated by the noble Duke, he could not diſcover any ground of neceſſity, juſtice, or convenience. It might be anſwered, that this was only an inquiry;—true; but the mode of it was extremely important, and ought to alarm the Houſe, and make them cautious how they countenanced a proceeding which eſtabliſhed a precedent teeming with fatal conſequences.

Mr. Burke

Mr *Burke* remarked, that the right honourable gentleman who brought in the bill had taken great pains to prove that this was not a job; it was difficult to ſay whether it was or not; but perhaps a definition of a job might ſomewhat help them to judge: a job, generally ſpeaking, he took a job to be a pecuniary application for a private purpoſe, under a pretext of public advantage. Certainly, definitions were dangerous, and legal definitions moſt dangerous of all. He could not decide upon men's intentions, he could only ſpeak of the outward and viſible ſigns, and by theſe means gueſs at the inward ſpirit. He had much rather, however, if it were a naked and undiſguiſed job, a direct application for a ſum of money for the noble Duke, give his vote for it, than for a meaſure coming in that concealed and guarded form, the outworks of which were fraught with danger, and ſhook a hundred principles of law, every one of which ought to be held inviolably ſacred. On the preſent occaſion, the Houſe had liſtened (not, he believed, without the utmoſt aſtoniſhment) to claims from the noble Duke, perfectly novel to their ears. and never before noticed in the treaty with Government; and theſe were, the crown, the ſceptre, the globe, and all the apparatus of royal dignity! That Houſe, therefore, ought to remember that they had a ſovereign to deal with, and they ought to treat him with due reſpect

since even the lordly pride of the Highland chieftain sunk, and became little in comparison with royalty. Mr. Burke introduced an allusion to the regalia of Scotland, which he stated to have been stolen from Scone by that ignorant robber, Edward the Third; and he connected with it the story of the Stone, which the northern Britons placed such superstitious faith in, that they conceived that Scotchmen were to reign wherever that stone was situated. The noble Duke, proud of his sovereign claims, was ready to throw the 70,000 British guineas in our faces, and say, "Take your "dirty money back, and give me my crown again! my "regal dignity is beyond all price?" Adverting more seriously to the subject, Mr. Burke observed, that if the present proposition were to be received, it would become difficult to determine whether the next noble Duke might not present himself before that House, and say to them, "The pecuniary compensation which you gave my prede-"cessor may do for the revenue, but not for the dignity; "I will never allow you to keep back my crown and sceptre, "for which no money can compensate." There was a *pretium affectionis* which defied estimation, and therefore to attempt to bid up to it was downright madness. Mr. Burke argued against suffering parties to come there, bound fairly, after exchanges had been fairly made, and complain of their situation. Suppose (added Mr. Burke) we were to look at the reverse of the picture, and the public were to say, "We have given you 70,000l in sterling money for your "empty pageantry. Take back your mimic crown, your "mock sceptre, and your painted globe, and return us the "sterling money;" would not every man shudder at such a monstrous act of injustice? The right honourable gentleman had said, "It is your faith I demand, you have not "fulfilled your bargain, your honour is bankrupt; shew "me the positive engagement." But such reasoning in a case like that of the noble Duke was absurd and preposterous in a degree. Mr. Burke next combated that part of Mr. Dundas's argument upon the act of 1765, denying that the House by the reservation of Rights had engaged itself to preserve them. He laid a stress on the distinction between the meaning of the words *reserve* and *preserve*, and enlarged on the idea which appeared to be entertained by the Duke of Athol, that the inhabitants were, one and all, to be debarred from having any game, as the noble Duke, from his manerial rights, claimed all the grouse and partridges on the island for his own table. In one construction, the game laws were the most odious part of our own statutary code; but there were certain considerations annexed to them, such as the liking of their country, which they created in gentlemens'

gentlemens' minds, and other circumstances which softened down their asperity, and reconciled him, and those who gave themselves time to reflect upon the subject, to their being adhered to and enforced. Mr. Burke answered the part of Mr. Dundas's speech, in which that gentleman had assigned as a reason why the Duke of Athol's manerial rights were not so well protected as before he parted with the sovereignty of the island, than when he was King of Man; the Judges and the Magistrates were appointed by him, by asserting that the noble Duke had declared that he could not recover his claims, because he had not the right of nominating the Judges. No man should be a judge in his own cause. The noble Duke forgot that he had sold his kingdom when he inferred that His Majesty's Judges were not proper authorities to try his claims. Mr. Burke enlarged on this idea, and at length mentioned the situation of the inhabitants of the Isle of Man, who had been lately emancipated from the feudal laws, declaring that he objected to the Inquisition, more than against the thing to which the Inquisition was to lead. After recommending the House to examine and see if there was a remnant of feudality in the island, and to reflect upon the hardships of again introducing it, and subjecting the Manksmen, after so many years liberty and freedom, to the yoke of oppression and tyranny, the noble Duke, Mr. Burke affirmed, he well knew was too mild and too generous to act harshly by any persons under him; but a man could not be mild and generous by deputy, and he wished not to have any men's happiness depend upon the humanity of others. This doctrine had been so ably and so powerfully argued the other day by an honourable friend of his (Mr. Sheridan, on the Tobacco bill) that he would not attempt to weaken it by any reasoning of his own, which must necessarily prove comparatively feeble. The Isle of Man was the little spot, the legislature of which was dependent upon that of Great Britain. America ever had been subject to the sovereignty of this empire; the Parliament of Ireland was emancipated, and they would surrender more than the three legs of Man were worth, if they let loose the noble Duke's steward on the unfortunate inhabitants of the island. Mr. Burke resisted the idea, that when the bargain was made in 1765, there remained any unforeseen and undefined rights; and he said, that if the House thought the late Duke was a fool, and an advantage had been taken of his weakness, they paid no compliment to the honour and justice of the English Parliament.

Mr. Dundas. Mr. *Dundas* denied that he had said one word about the noble Duke's complaining against His Majesty's Judges, or complaining that he had not the nomination of them himself.

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In accounting to the house why the Duke of Athol's manerial rights were less protected now, than they had been, while he held the sovereignty of the island, he had necessarily stated, that the Duke had then the appointment of all the judges, and of every magistrate, most of whom were his Grace's stewards.

Sir *Benjamin Hammett* observing, that the compensation was by no means adequate; pointed out the pension of 2000l. which dying with the Duke and Duchess was a circumstance which the present Duke had in his idea, a good reason to complain of. The House had acted liberally in the case of the Derwentwater Estate, and he hop d that they would do so by the Duke of Athol, and the Isle of Man. Sir Benj. Hammett.

Mr. *Windham* remarked, that he felt himself unavoidably impelled to break silence, if it were only to make a protest against the extraordinary doctrines under the sanction, of which endeavours had been used to give the bill an efficacious aid. He was the first person to take notice of the bill, when introduced; but in doing so, he had only attempt to call the attention of the House to the Bill, being at the time, ignorant of the nature and grounds of it, as he was ignorant of the parties, who were interested in it, one way or the other. Since that time, he declared he had taken some pains to make himself master of the subject by inquiring into all the relative facts and circumstances to be collected from the evidence on the table, and from the journals of the House; and the result of that inquiry had given him a complete conviction that such was the odour of the measure, that they must have strong nerves who were not ready to faint at the fragrance of it. Mr. Windham, having thus introduced his argument, next proceeded to consider the speech of Mr. Dundas in all its various parts, and to oppose and combat each. He reasoned upon the interest of a Public and of an individual comparatively, in order to controvert the argument, that the individual being weakest of the two, had a claim of equity frequently where he did not possess a claim of strict right. Generally speaking, he admitted that the force of the Public was much greater than the force of an individual; but there were circumstances which might not only place the individual on a par with the Public, but even place him on advantaged ground, and that in a great measure depended upon the hands in which the management of the Public interest was placed. Public rights, he maintained were as sacred as those of an individual, and ought to be as firmly upholden. Supposing that the Public trusting merely to its superior force, after having made a bargain with an individual, were to come and say, "This bargain is a bad one 'for us, we meant to buy more than we find you possessed, Mr. Windham.

"and

"and whether you please or not, we will open the bargain, "and make you refund so much of it, as we find to be more "than the value of what you had to deliver over to us;" How in that case, would individuals like their own situation? The case of the noble Duke of Athol, had been stated to be that of a compulsion; but it had not been proved; and it had been said that the distinction of sovereignty was one that the noble Duke would not part from. Why then did the noble Duke part from it at last? The reason assigned was, that Mr. Grenville passed an act to prevent illicit practices detrimental to the revenue being continued to be carried on in the Isle of Man. The noble Duke says, "you have taken "the revenue, and left me a barren sceptre; since you have "taken best part of what belonged to me, I will sell you the "remainder, and then names his own price for it." The noble Duke had consulted Lord Mansfield what price he should ask; and he certainly could not have expected to obtain better advice any where. In making the bargain the noble Duke had not specified the articles, that they might know the nature and value of each, but had sold them in their indefinite mass, declaring only that he had sold the seignories, and all which belonged to them, meaning to reserve the manerial rights. He afterwards applies for some mark of favour and distinction, and the noble Lord then in office gives him a pension of 200 l. a year. Such was the nature of the bargain, which of itself proved that the noble Duke had received an ample compensation for what he sold, and that named by himself. The opinion of Sir Fletcher Norton had been produced; a common lawyer's opinion on partial questions put to him! And that was opposed to the opinions of the Attorney and Solicitor General of the island, who, after full deliberation, and a perfect knowledge of all the circumstances of the case, state that they know of no injury done to any of the rights of the Duke of Athol, and that if any were done, the Courts of the island were fully open for redress. Mr. Windham insisted upon it, that on scarcely any ground ought a bargain between the Public and an individual to be opened, and if a precedent were once set of the sort it would become impossible to know when bargains of the description in question could be finally closed. If ever a bargain between the Public and an individual were opened, a very strong case indeed ought to be made out. The present petitioners had made out no case at all, nor produced any proof whatever, but had rested merely on assertion, and unestablished allegation. With regard to appointing Commissioners, there was no sufficient reason shewn for putting the matter out of their own hands; the rule ought to be, that all business of that sort should receive a hearing in a full House. The

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right honourable gentleman had told them that day, that the inquiry could not proceed, without the Commissioners going to the Isle of Man, to examine records. That was the only plausible reason which had ever been assigned for appointing Commissioners without doors; but the noble Duke had stated no such a reason in his petition, nor was there a word like it to be found in either of the former bills. It behoved the House to consider that the inhabitants of the Isle of Man had a claim upon their faith. They who had placed the island in such a state as might have induced many to settle in it (and they all knew that the population had increased) were bound to protect those who had so settled there on the faith of Parliament. Mr. Windham entered into a discussion of the nature of a feudal system, and the difference of the continuance of such a system where it had long existed, and the placing people again under a feudal system, who had been for five and twenty years, emancipated from it. He concluded, that there might, in the one case, be much of parental affections mixed with Sovereign authority, and that there the Sovereign might reign in the hearts of the people; but the case was different, where a Sovereign came in without that melioration of his authority. Let the House consider what the feudal right was, when they withheld from it the feudal attachment. The bill set an example of unsetting all securities of parliamentary grants, and although on the different grounds on which he had argued, he was clear that it ought not to be suffered to pass, above all, he considered the fate of the 40,000 inhabitants of the Isle of Man, who had depended on the British Government for protection, as an inseparable and superior claim to the consideration beyond any other whatsoever. Mr. Windham adverted to what had fallen from Mr. Grenville on a former day, not doubting, he observed, the right honourable gentleman would rise and speak again if any gentleman should contend that the bargain made with the Duke of Athol in 1765 had been unjust, or precipitate, or compulsatory: at the same time, he was persuaded, that if it had been so, the right honourable gentleman would not defend it, merely because it had been the work of a person so nearly related to himself. The honour of those in the existing Government (he trusted) would not suffer them to countenance a job, or a sacrifice of public interests to those of an individual who happened to be able, through his influence with them, to procure their assistance, in his attempt to have the bargain which he had made revised.

Mr. *Powys* begged to have an entry read from the Journals, which assigned the reasons upon which the bill of 1765 had been originally brought in. Mr. Powys.

The entry stated the Report of the Committee of the whole House, brought up by Mr. Paterson, concerning the various resolutions of the Committee to whom the bargain concluded with the Duke of Athol, had been referred for consideration.

Mr. Powys also read a short extract from the report of the Attorney and Solicitor General, (Mr. Wedderburn and Mr. Wallace) about the year 1780, in which they said, that it did not appear to them that there could be any difficulty in the Duke of Athol's obtaining redress for any supposed injury done to either of his manerial rights, from the jurisdiction of the island.

Mr. Grenville. Mr. Secretary *Grenville* observed, that although it might naturally be expected, that from the particular manner in which the right honourable gentleman had alluded to what he had said on a former day, he should wish to say a few words; yet he should not have felt it of half the importance for him to have risen on that account, as on account of what the right honourable gentleman had intimated towards the close of his speech, feeling himself as unwilling as the right honourable gentleman to give his consent to any thing that deserved the name of a job. The great difference between a claim of right and the asking a favour was, that in the former case, the person having a right to prefer, always came fairly forward and demanded an inquiry into his claim; whereas the person asking a favour, asked in the first instance for what he wanted, carefully avoiding all inquiry. The present case was, therefore, clearly a claim of right, because it carried its characteristic with it. The right honourable gentleman had stated, that it would be by no means, right or fair to the Public to open a bargain which had once been made between the Public and an individual. There were, however, many cases in which such bargains had been opened, and that on the ground on which the bargain with the noble Duke was desired to be opened; for the sake of doing justice to the individual with whom the bargain had been made. That being the undoubted fact, all that the right honourable gentleman had said was done away. The whole of the question then was, was this such a case as rendered it necessary that the bargain should be opened? The right honourable gentleman had supposed the reverse of the present case, and asked what situations individuals would find themselves in, if the public should insist on opening bargains, which they had made with them, for the sake of revising them, and obtaining back again, what they had paid too much. The right honourable gentleman seemed not to be aware that there was a small difference in the two cases; and it was this; in the present case, the individual applied to the

the Public, with whom he had made the bargain; and if it were opened, it would be opened with the consent of both parties. In the other case, if the public opened the bargain on part, it would be a mere exercise of the strong hand and power of Parliament, opposed to the weakness and actual inability to resist on the part of the individual. In the present case, the public had acted in two capacities, as an individual, and as a legislator, having, therefore, an evident advantage, it was bound in justice to listen to the claim of an individual, who stated that the public had not made good that part of the bargain, which it engaged to perform. The right honourable gentleman began one division of his argument with inquiring whether the noble Duke had or had not received an ample compensation, and whether he had any ground of complaint of injustice having been done him in the mode of making the bargain? In that part of his speech the right honourable gentleman had referred to a former statement of his (Mr. Grenville's) as entirely doing away that ground of complaint. He thought it necessary to say what he had, on a former day, on this head asserted, in order to remove an impression, which had gone abroad; not in consequence of what had been uttered in that House, but in consequence of a misstatement of the observations. If he thought that there was any injustice in a bargain concluded on the part of the public by a person to whom he was nearly related, he certainly would not, as the right honourable gentleman had done him the justice to suppose, defend it out of the respect which he owed to that person. He should be sorry, if any gentleman came forward to defend injustice from respect to his memory. He should always think that he best shewed his respect to that person's memory by imitating his conduct, which was founded in equity and justice. For the information of the House, he would state the particulars which led to and had characterised the bargain with the late Duke of Athol. It had been declared in the year 1764 to Mr. Grenville, then in Administration, that no less than 160,000l. of revenue was annually lost to the public by the illicit traffick carried on in the Isle of Man; it became therefore, a desireable object for government to obtain the sovereignty of that island. Mr. Grenville had wished to effect the object, in the least offensive way to the Duke of Athol, by a treaty for the purchase of the sovereignty of the island; and thence the letters had passed which then lay on the table. But the Duke of Athol was very unwilling to treat; the correspondence ceased, and a delay of seven or eight months took place. During this interval, doubtless the noble Duke was inquiring into his rights, but at the meeting of Parliament, in January, 1765, Mr. Grenville concluding that he might

by ſuch a meaſure obtain the chief end of his object, brought in a bill, called on both ſides the miſchief bill. That bill, moſt undoubtedly went materially to cramp the exerciſe of the ſovereignty of the iſland. The Duke of Athol, feeling it prudent to open the treaty again, it was opened accordingly, and concluded ſoon afterwards, and confirmed by a bill which was brought in, and paſſed the ſame Seſſion; and which was what had been in the courſe of the debate termed the Veſting act! He could farther ſtate, what he knew to be the fact, that Mr. Grenville, when he concluded the bargain for the public, thought 70,000l. an ample compenſation. If, however, on reviſing the bargain, it ſhould appear that the public had taken more than it meant to purchaſe, and what was expreſſly reſerved to the Duke of Athol, it would ſurely, become the liberality and the juſtice of that Houſe, either to reſtore thoſe rights, whatever they might be to the noble Duke, or make him an additional compenſation; becauſe it muſt be admitted, that in ſuch a bargain, the public ought undoubtedly to give the individual not only an ample, but a liberal compenſation. If therefore, it ſhould turn out that the noble Duke had ſuffered injuſtice, and that more had been taken by the public, than the public really purchaſed, that Houſe, he truſted, would give the noble Duke a liberal compenſation, ſince ſuch a donation would confirm and not overturn the bargain. It had been ludicrouſly remarked, that the noble Duke called upon the public to give him what it did not want; and the bargain had been compared to purchaſing a manor, with a view to buy the right of hunting and ſhooting, and for the preſervation of the game. In that caſe, it had been aſked if there were quit rents on the manor, were they to be reſumed after a number of years poſſeſſion by the purchaſer, by the original owner? That was by no means a caſe in point; but the caſe was this: If they bought a right to hunt and ſhoot, expreſſly ſo ſtated as the condition of the bargain, not meaning to pay for any fines upon the manor, the fines muſt be conſidered as the right of the owner, and he ought either to have them, or an additional compenſation for them from the purchaſer. In the preſent caſe, not only the ſpirit but the letter of the bargain was, that the Duke of Athol, on giving up the ſovereignty, ſhould have the manerial rights reſerved to him. He ought, therefore, to have all which this country ſtipulated to reſerve him, and Parliament was bound to take care to protect him, in the enjoyment of the rights ſo reſerved, and not to tell him, " we reſerved them, it is true; but do you " get them where you can." Mr. Grenville, at length, came to the conſideration of the intereſts of the inhabitants

of the isle, who were, it must be confessed, in some degree, parties in the present bill; but they had, he conceived, no reason to feel any alarm or apprehension lest they should be injured, or put into a state of oppression. That House was bound to protect them in their rights, and to give them effectual security for the full and undisturbed enjoyment of them. Whatever measures might be proposed, when the inquiry was gone through, he, for one, would never give his vote in favour of them, if they overlooked the consideration of the rights of the inhabitants of the Isle of Man, and did not afford them every possible protection. Let the House do justice to all, and let them either leave to the noble Duke what they have not purchased, or, if it should appear that any right belonged to him without injury to the inhabitants, let them make the noble Duke an ample and liberal compensation.

Mr. Grey.

Mr. *Grey* expressed his concern at discovering, that the right honourable gentleman had so far deviated into misrepresentation as to have charged his right honourable friend [Mr. Windham] with having asserted, that bargains between the public and an individual ought in no case whatever to be opened. It would have been more fair to have spoken from the tenor of his right honourable friend's argument, and not have fixed on an accidental expression; the tenor of his right honourable friend's argument having been to prove, that there ought to be a strong case made out before the House consented to open a bargain of that nature; and that there had not been a case sufficiently strong made out in the present instance. Mr. Grey declared himself against the inquiry; for he believed that no measure liable to such strong objections had ever been proposed. With regard to the ground on which the bargain was desired to be opened, the first was, that the compensation was inadequate, but that the right honourable gentleman had disclaimed and repelled. When he heard it stated, that the bargain was by compulsion, and saw, by the documents on the table, that the noble Duke himself proposed the price, whatever his intention might be, he could not help thinking such an argument absurd and idle. He alluded to the words of one of the counsel, and declared himself particularly pleased when he had heard the learned gentleman assert, that the noble Duke might be prosecuted for any offence against the laws committed by him in the Isle of Man, although the *venue* could not be laid in any particular country; and added, "that the arm of Parliament was strong, and meant to "reach such crimes as were not defined by positive laws." Mr. Grey took notice of Mr. Dundas's mode of estimating the Duke of Athol's loss of income derived from the isle by mentioning

mentioning the present increase of duties, and the money which he might have prevailed on the House of Keys to give by taxing themselves for his benefit, and turned both into ridicule, terming them two modest grounds of argument.—He contended that the Duke's influence over the House of Keys, when he held the sovereignty of the island, had never produced the effect which was now stated to belong to it; and he cited different periods of history, from the sixteenth century, down to modern times, to prove that the duties had very rarely indeed been altered; contending that there was no probability that they would have been much altered of late years. He asked whether it was likely that the Duke should have so much influence over the House of Keys as to oblige them to part with their money, without having some adequate advantage for the general interests of the island to obtain from it? At length he adverted to the 2,000l. a year pension, which had been mentioned in the course of the debate by Sir Benjamin Hammet, and declared, that if he could consider the 2,000l. a year as a part of a compensation for an entailed right, he should think that the present Duke had reason to complain; yet the Duke of Athol's own letter proved, that it was no part of the compensation, but a personal compliment to him, to which his son could fairly have no claim. It had been observed by the right honourable gentleman (Mr. Grey added) that the material ground on which the inquiry should be instituted, was the separation of the manerial rights, from the rights of sovereignty, whence injuries to the noble Duke ensued. That fact, however, was merely the noble Duke's allegation, and was like all the rest of the case; for wherever he looked at it, he saw nothing but allegation, and what was worse, allegation without any sort of proof. The noble Duke of Athol had contended that his manerial rights were not protected, because the Judges were not his servants. This was a most unaccountable reason. His honourable friend had remarked, that Parliament meant to reserve and not to preserve; for that the laws of the island, like the laws of any other country, would preserve property of every description. With regard to the want of what was called sitting quests, he must assert, that it was the noble Duke's own fault, if there was no such tribunal at this day; an act of the House of Keys having laid for a considerable time ready for the King's consent, which, for some unknown reason or other, the noble Duke had proved hitherto successful enough to prevent taking place. As soon as the act passed, the remedy for all complaints respecting manerial rights would approach, and it would be short, summary, competent, and safe. Notwithstanding which, they were called on to decide whether

ther they should not shake a public contract of twenty-five years standing solely upon a bare allegation. It would not (Mr. Grey said) be stated to him, that even an inquiry might not harrass the inhabitants of the Island of Man. His right honourable friend [Mr. Burke] had so amply defined this point, that it was unnecessary for him to go into it; but he would ask, if the House subjected the inhabitants of the Isle of Man to the hardships of an inquiry, had not they a greater right to complain than the noble Duke? Mr. Grey took notice of Mr. Burke's definiticn of a job, which was, in his opinion, just; but he would add a single circumstance which completed the definition, and that was, where the party, making a pecuniary application for a private purpose under a pretext of public advantage, desired that no person's rights but his own might be considered.

Mr. *Dundas* rose to read a short extract from one of the bills relative to the Isle of Man, as an answer to one part of Mr. Grey's speech. Mr. Dundas.

Mr. *Grey* denied that it was in any degree applicable. Mr. Grey

Mr. *Bastard* observed, that having heard many honourable Members contend so strenuously and so ably in the support of different sides of the question, he felt himself at a loss immediately to determine with which of the various and contrasted arguments it might be proper to coincide. Previously, however to the adoption of any fixed opinion upon the subject, he wished to know when, if the bill passed, the bargains between the public and the individual were to cease? The bill contained a clause to open every right and deed; and to this clause the noble Duke of Athol had assented. In conclusion, Mr. Bastard remarked that some specific ground for such an application ought to have been stated and proved before the House could be expected to receive it; and no such specific ground having been proved, he should certainly vote against the Speaker's leaving the chair. Mr. Bastard.

Sir *Watkin Lewes* considered the debate as irregular, because they were anticipating the result of the inquiry proposed, under their incompetency to decide, not being in possession of such information as to enable them to judge whether a fair compensation had been made to the noble Duke. The vote which he promised to give, would prove disinterested, not having any connection with, or knowledge of, the noble Duke, excepting from what appeared upon the report of their proceedings on the subject. When he heard the petition from the House of Keys read, and the allegations which it contained, together with other representations, he was disposed to vote against the bill; but when he found that the noble Duke had disclaimed every idea of resuming the sovereignty, and that the evidence failed in support of Sir Watkin Lewes

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the allegations, he had changed his opinion, and he owed it in justice to himself, to state the grounds upon which he founded his opinion. He conceived that the measure now proposed, ought to have been adopted in the first instance; an inquiry should have preceded the compensation, without which they did not know whether the compensation was equivalent to the benefit surrendered. The noble Duke had given up sovereign rights, together with the customs on the consumption of the island, which now produced nearly the annual income of 5,000l.; and it appeared from the Report of the Commissioners of the Excise and Customs, that this kingdom had annually benefited about 350,000l. per ann. It was stated that the Isle of Man was prejudicial to Ireland, as well as to this country, for which reason 2,000l. per annum was given on the Irish establishment, as part of the compensation, which ceased with the present Duchess Dowager, though it was part of the property entailed on the present Duke. Was this justice to the present Duke? He therefore conceived that the noble Duke had a claim upon the equity and liberality of the House. If the Public was benefited, the individual ought not to be injured; but why oppose the inquiry; If gentlemen thought that the noble Duke had received a fair compensation, he had no farther claim: but the presumption was otherwise; for the noble Duke challenged the inquiry, and it would prove a reflection on the justice of that House to deny it to him. If they were dissatisfied with the Report of the Commissioners, they were not concluded by their report, but had a right to call on other witnesses.

The House grew very impatient for the question.

Mr. Courtenay

Mr. *Courtenay* rose only to read a short extract from the bill of 1780, to mark the feudal spirit which actuated the noble Duke all through his various proceedings, and which no other gentleman had taken notice of. Mr. Courtenay then read the Game Clause of the bill, which enacted the rights of the Lords of Manors to enter the fields, and even houses of persons suspected of having guns and dogs, at all hours and seasons. Mr. Courtenay dismissed the subject with the Latin Law maxim, *Nullum tempus occurrit Regi.*

The House divided, Ayes, 90—Noes, 85—Majority, 5.

The Chairman then took the Chair, *pro formâ*, and was ordered to report progress, and ask leave to sit again, which he did accordingly, and the resumption of the Committee stood deferred until the ensuing Tuesday se'nnight.

The House then adjourned.

Tuesday

Tuesday, 27th April.

The order of the day for a Committee of the whole House on Mr. Wilmot's motion for leave to bring in a bill to empower the magistrates to regulate the wages of the journeymen silk-weavers, and to limit the number of apprentices to be retained by the masters at the same time, having been moved and read, and Lord Eardley having taken the chair,

Mr. *Wilmot* rising, observed, that his motion was grounded on the hardships which the journeymen sustained by advantages being taken of their distress to reduce the price of their labour. There were, undoubtedly, in this branch, persons of the most respectable character, and of the most upright conduct; such as would scorn to do them any injustice; but there were many of a different description, who took advantage of any temporary stagnation of trade to reduce their wages below the proper and fair level; and when this was in part effected, the other masters were under the necessity, in some degree, of reducing theirs; yet when this reduced price became general, the same practice was repeated, by the same persons, and for the same reasons; and thus an unnatural reduction took place, which was attended with the most injurious consequences, causing continual dissatisfactions and hardships; but this was not all—soon after these unnatural and uncalled-for reductions and abatements were made, various deductions and abatements were frequently recurred to, from the work brought home; a practice which had now arisen to an alarming pitch of abuse. Another hardship suffered by the Journeymen, resulted from the great number of apprentices which it was now become the practice of the masters to take; sometimes as many apprentices as journeymen, sometimes more; and many did their work by apprentices only; by this means the trade was overstocked, and many inconveniencies ensued. To remedy these grievances, it was proposed to empower the magistrates, on hearing the parties, to settle the prices in each district where the manufacture was carried on, in the same manner as was done in the city of London, by an act which passed in 1773, called the Spitalfields Act; the Committee knew the tumults which were accustomed to prevail in the metropolis before the passing of that Act, and which since that time had never been repeated. The Act limited the number of apprentices to two; but, Mr. Wilmot remarked, that it was intended in this bill (should he prove so fortunate as to obtain leave to bring it in) to extend it to three, and to increase it one beyond that number, according to the number of journeymen each master employed. He could not dis-

Mr. Wilmot.

cover any one argument which applied to the Act of 1773, and which did not, in an equal degree, apply to the bringing in the bill, and therefore he trusted that the Committee, persuaded of the necessity of the case, would concur with his proposition.

Lord Beau- champ. Lord *Beauchamp* declared, that he could not observe without astonishment an attempt made to introduce a principle big with the most fatal consequences to the trade and manufactures of this kingdom, which he always understood owed its flourishing state to their being entirely unrestrained and unsettled by any regulation whatever. He was much surprised that the honourable gentleman should expect that the House would agree to a motion of this sort upon such slight ground as he had stated. It was true, the Legislature had passed a similar one to regulate the wages of the Spitalfields weavers. But what had been the effect of that act? To drive the ribband trade to Coventry, and the gauze to Paisley. The effect of such a bill as this would be, to get rid of the silk manufacture altogether. Lord Beauchamp entered into the particular parts of the bill in detail, and observed, upon the provisions: that justices who were to settle those disputes would often be silk masters, that there would arise no opportunity except from three months to three months to regulate their prices; and he stated likewise some objections to that part limiting the number of apprentices.

Mr. Wind- ham. Mr. *Windham* considered the present act as anti-commercial. This application was totally new and unprecedented: it would operate as a tax upon labour; it was a penalty on marriage; it would prevent that competition which ought to exist among manufacturers; their disputes would settle themselves, nor did he know from what quarter the application came. The masters were all against it, and the city of Coventry seemed to be as much against it as any other part of the country.

Mr. Ald. Newnham Alderman *Newnham* declared, that several of the masters with whom he had conversed were against it; and as to the Spitalfields bill, whenever any disputes had come before him, he found it very difficult to understand them.

Marq of Graham. The Marquis of *Graham* agreed with the honourable gentlemen who went before in their general principles of leaving the manufacturers unfettered by any regulations; and he was afraid that this bill might have a tendency to cramp their exertions. He differed, however, in opinion concerning the Spitalfields bill, which he thought so good, that he could wish to have it remain untouched.

Sir James Johnstone Sir *James Johnstone* observed, that he had some days ago entreated the extension of some indulgences to Scotland; but

but he muſt ſay, that he hoped that theſe regulations, if they were to paſs, might be confined to England.

Mr. Wilmot.

Mr. *Wilmot* remarked, that in the preſent caſe undoubtedly the application came from the journeymen, and not from the maſters. He had already ſtated the hardſhips under which this deſcription of perſons laboured in advantages being taken of their diſtreſſes, to reduce the prices below their natural level, and after that, ſtill to make farther reductions and abatements. He agreed this was only done by the needy and adventurous, who had not capital enough to carry on the trade fairly, but the practice was now got to ſuch a pitch, as to call loudly for redreſs. It would not be attended with the effect of fettering the trade, ſince it would be always competent to the magiſtrates of the place to lower or raiſe the prices according to circumſtances; and that the effect of it would be not to cramp the manufacture, but to encourage it by doing equal juſtice to all concerned. It was very true that ſome of the magiſtrates might be maſters themſelves, but they were always the moſt reſpectable of them, and the journeymen, who made this application, were very willing to abide by their judgment, ſince they wanted a protection only againſt the needy maſters, who meant to take advantage of their diſtreſſes. That this bill was not founded on a new principle, appeared from the Spitalfields bill, which had produced ſuch beneficial effects in the metropolis, ſo that now there was an appeal to the magiſtrates, all tumults and all diſatisfactions had ſubſided. But the noble Lord (Beauchamp) had been pleaſed to remark, that the Spitalfields bill had drawn the ribband trade to Coventry, and the gauze trade to Paiſley; he was ſurpriſed at this coming from the noble Lord, who certainly knew ſomething of Coventry, whatever he might do of Paiſley; and he muſt know that the ribband trade flouriſhed there equally before that regulation, as it did at the preſent moment; neither in fact (added Mr. Wilmot) is the ribband trade driven from London; for on the beſt information, there are at leaſt twice as many ribband manufacturers in London now, as there were when that regulation took place: and as to the gauze trade being driven to Paiſley, that was done many years previous to this regulation, and ſo far back as 1759; and in 1773, when the Spitalfields act took place, there was little or no gauze manufactured in the city of London. In fact, it was the want of this regulation which drove the gauze manufacture into that country, as there was no mode of appeal, to adjuſt the various diſputes between the maſters and the journeymen on that head. But the noble Lord had argued the various clauſes of the bill, as if they were now in a Committee on the bill,

whereas this was only a motion to bring in the bill. Being once brought in, and the House having formed themselves into a Committee on the bill, it would be time enough to debate the particular clauses, and to make any alterations which different gentlemen should suggest; for instance, he should have no objection to confining this regulation to the ribband weavers, and to make any other regulations concerning apprentices which might suit the situation of the trade. Mr. Wilmot explained, that wages of the journeymen weavers were not so much per day, but by the piece, so that there was always an opportunity for the exertions of superior skill and superior industry, which would, as this constantly ought, produce proportionate profits. He added, that he intended to have divided the Committee, if he had been supported in the debate; but discouraged as he was at present, he should forbear to give them that trouble.

The motion was negatived.

Post Horse Duty Farming Bill.

The order of the day being upon motion read, for the second reading of the Post Horse Farming Duty bill,

Mr. Sheridan

Mr. *Sheridan* having signified his intentions of moving for some papers extremely necessary in his conception to be submitted to the House previous to the second reading of the bill; he relied therefore on the right honourable gentleman's (Mr. Pitt) candour, that he would have no objection to postpone the second reading for a few days, which could be attended with no sort of inconvenience, and by that time in all probability, the papers could be gotten ready and presented. Mr. Sheridan moved for,

"An account of the gross produce of the Post Horse "duties for the year 1787, ending the first of August;" also

"An account of the number of districts under the farmers' "act, the names of the farmers, and the amount of the rents "respectively, with any variations thereon that have taken "place from the first letting to the present time;" also

"An account of such of the farmers of the Post Horse "duties as have become defaulters, and to what amount;" and also

"An account of the expence of collecting the Post Horse "duty previous to the passing the act of the 27th of his pre- "sent Majesty, and the amount of the saving to the public "in the article of collection, in consequence of passing the "said act."

Mr. Pitt.

Mr. Chancellor *Pitt* answered, that he could readily consent to the production of the papers moved for; but as the

use

use intended to be made of them might as well be made in any other ſtage of the progreſs of the bill, as on the ſecond reading, he ſaw no reaſon to delay that procedure. He therefore moved that the bill be read a ſecond time.

Mr. *Sheridan* replied, that to preſs the matter with ſo much precipitation, betrayed a want of candour; and he contended that the Houſe ought not to have proceeded a ſingle ſtep with the bill, until the right honourable gentleman had given the neceſſary information as to the produce of the tax, while under the old mode of collection, compared with that under the Farming bill, which had been originally introduced or revived by a bill of experiment, and the principle of which ſhould not be adopted as a permanent mode of collecting duties without very full information and mature diſcuſſion. It behoved the Houſe not to proceed towards deciding on the principle of the bill, until the papers were before them, from which he (Mr. Sheridan) meant to prove that the principle was falſe, and the expectation of greater advantage being capable of being derived from it than from the old mode of collection, utterly fallacious. Mr. Sheridan.

Mr. Chancellor *Pitt* rejoined that if the honourable gentleman had thought the papers neceſſary to be before the Houſe prior to any proceeding with the bill, he ought to have moved for thoſe papers antecedent to the firſt reading, and not to have delayed moving for them till that day. For his own part he had not the ſmalleſt objection to the production of the papers now moved for; although he ſaw not how they could poſſibly throw any additional light on the ſubject. By the papers giving an account of the net produce already before the Houſe, there was an evident increaſe; for whatever the groſs revenue might appear from the papers moved for, the neat produce, it was plain from the papers before the Houſe, had increaſed from 97,000l. in 1786 to 102,000l. the firſt year that the duty was farmed, and in the ſecond to 127,000l. Mr. Pitt.

Mr. *Fox* expreſſed his aſtoniſhment that the right honourable gentleman ſhould firſt agree to the production of papers, and then by preſſing on the bill, render it impoſſible for thoſe papers to be duly conſidered. He was of opinion with his right honourable friend, that the papers ought to have been before the Houſe prior to the ſecond reading. To grant thoſe papers without giving time to conſider them, was a mere mockery. Mr. Fox.

Mr. *Taylor* having premiſed, that according to the ordinary forms of the Houſe, gentlemen had a right to oppoſe the principle of the bill in two ſtages; on the ſecond reading, and on the motion for the Speaker to leave the Mr. Taylor.

Chair

Chair to go into the Committee; added, that if the bill were to be read a second time then, he and others would be deprived of one of their opportunities of objection; and therefore he objected to the second reading, before the papers were produced, which he considered to be necessary, to satisfy gentlemen how the fact actually stood, and whether his honourable friend or the right honourable gentleman opposite to him, was in the right. He had supported the Farming duty bill, originally, and he believed that he should give his vote to make that act permanent, were the papers just moved for to justify the statement of the right honourable gentleman.

Mr. Burton.

Mr. *Burton* said, that if the papers came before the opportunity of debating the principle of the bill had passed away, he conceived it would be quite sufficient.

Mr. Sheridan.

Mr. *Sheridan* observed, that lawyers too frequently discovered a tenacity in overturning the rules and orders of that House, which the honourable and learned gentleman's argument evinced, as upon a moment's reflection the honourable and learned gentleman must perceive that the rule of proceeding in opposing bills was directly the reverse of that which he had laid down. It was a curious way of using dispatch to postpone the business to a late period of the session, and to endeavour to make up for the loss of time in the first instance, by hurrying the most important bills through with indecent celerity. To prove his assertion, that the Farming duty bill had not been so productive as had been stated by the right honourable gentleman, he had it from good authority, that the whole of Soctland had been farmed out as one district, without the advance of a single shilling on the pro uce of the duty under the old mode of collection; and this circumstance was still farther strengthened, as an argument against the new plan of farming out the collection of the revenue, by the speculation which might have been expected to take place in this year beyond all others, in consequence of the extra use of Post horses, which a general election would necessarily occasion.

Mr. Ald. Le Mesurier.

Alderman *Le Mesurier* expressed his intention of voting for the amendment, having had instructions from several of his constituents who felt themselves oppressed by the difference of the mode of collection and its consequences. He explained in what particular instances the oppression was felt, and contended that there did arise very great inconvenience to the persons letting post horses, and to travellers, from the operation of the present act, since the former, without having been personally blameable themselves, might suffer severely from the accidental negligence of their servants.

Sir Wm. Cuninghame.

Sir *William Cuninghame* said, that Mr. Smith, a very honest and

and worthy individual, who, in the first year, farmed the whole duties of Scotland, and had, in consequence, been involved in eternal lawsuits, by which the people had been harassed, was himself ruined and in prison at Edinburgh. The person who at present had the farming of the duties for Scotland was attempting to increase the evil byhaving advertized in the Edinburgh paper to let out his district in subdivisions.

The question was put, and the original motion carried.

The bill was therefore read a second time and committed for the ensuing Friday.

The House adjourned.

Wednesday, 28th April.

No material debate occurred.

Thursday, 29th April.

Rose. Mr. *Rose* brought up the new Lottery bill, and as soon as he had presented it, stated to the House, that the only new clause in the bill, was a clause to subject the printers of newspapers to a penalty of fifty pounds for each offence, in case they advertised any illegal shares. The bill having been read a first time, and ordered to be read a second time,

Mr. Sheridan. Mr. *Sheridan* rose, and declared that in his opinion, it was a most extraordinary clause, nor could he possibly conjecture how it was to be carried into effect. He supposed that the clause provided proper counsel for the printers to consult as to what was or what was not a legal share, or perhaps itself gave a definition of that important point; because, without either the one or the other, he saw not how printers could avoid incurring the penalty, although they might not mean to offend against the law, and clearly could have no more interest in advertising an illegal share, than a pamphlet which upon perusal turned out to be a libel, or any other matter in itself illegal; and it was well known that in such cases, the subjecting the printer to a penalty was a principle equally novel and oppressive, and therefore, a principle which materially concerned the liberty of the press. Mr. Sheridan proposed to have the clause printed.

Mr. Rose. Mr. *Rose* answered that the honourable gentleman might recollect that it never had been usual to print a single clause of any bill; and, in the present case, it was wholly unnecessary, as the clause in question was but short, and contained on the side of a single half sheet of paper; the honourable gentleman therefore might at one reading make himself master of its contents.

Mr. Sheridan. Mr. *Sheridan* moved to have the whole bill printed.

Mr. Chancellor *Pitt* observed, that it was altogether unu-

fual to print such bills as that in queftion, nor could he fee the fmalleft occafion for it.

Mr. Fox. Mr. *Fox* obferved, that on the prefent occafion he was one of thofe who agreed with the right honourable gentleman, inafmuch as he was a friend to Lotteries, and thought them good means of raifing revenue; but Lotteries had now become matters of very ferious confideration, and therefore required to be particularly attended to. There were, undoubtedly, many gentlemen who differed from him upon the fubject, and thought Lotteries ought not to be fuffered, becaufe they held them to be the means of creating a fpecies of gambling among the lower orders of the people. In one point, however, they were all agreed; that it was neceffary to have fome new regulation refpecting Lotteries. He wifhed therefore to have the bill printed, that gentleman might not only fee how far the propofed claufe could be confidered as a proper and ufeful regulation; but alfo that, by having the bill before them, they might be enabled to judge, whether they could not fuggeft other regulations of ftill greater fervice.

Mr. Pitt. Mr. Chancellor *Pitt* remarked, that by referring to the laft year's bill which had been printed (becaufe it was printed in the laft feffion) gentlemen would juft as well be able to judge whether they could fuggeft any farther regulations, as they would be enabled to judge, if the prefent bill were printed; fince, excepting the new claufe which had been mentioned, the reft of the bill was like the bills of preceding Lotteries, general.

Mr. Martin. Mr. *Martin* declared himfelf a decided enemy to Lotteries, and that no arguments of the quantum of revenue could reconcile his mind to them, being aware that they were attended with moft pernicious confequences to the morals and interefts of the lower clafs of people, who could not refift the temptation to gambling. While the Lottery was drawing it was fcarcely poffible to fend out fervants on an errand, without their ftopping and rifquing their own money, perhaps their mafter's, in mifchievous fcemes of Lottery fpeculation or infurance. With regard to the prefent bill, he wifhed it to be printed, and fhould vote accordingly.

Mr. Sheridan. Mr. *Sheridan* contended that the new claufe might cramp and affect the prefs, but that it could not be confidered as a regulation to prevent gambling.

The motion was negatived without a divifion.

Excise on Tobacco.

The order of the day for receiving the report of the tobacco bill being read,

Mr. Fox. Mr. *Fox* rofe, and expreffed his intentions of moving that the bill be recommitted; and he added, that he would

fairly

fairly state, that his object in so doing would be afterwards to move, that it be an instruction to the Committee, to receive a clause taking off the survey of the Excise from the manufacture of snuff and tobacco, to which it was clearly inapplicable; and he would rest the proof on two facts; first, that from the operation of the air on the manufacture, the honest and innocent might incur heavy penalties, and indeed could scarcely avoid it; and the other point was, that fraudulent persons might deceive without a probability of being detected by a revenue officer. It might, perhaps, be said, that such a clause was nothing more than again bringing before the House the same question which had already been decided. It was so certainly in one great and essential particular, inasmuch as taking off the survey would be to repeal the most important objects of the bill; but then it was to be considered that the question would now come forward under very different circumstances from those under which it had lately been brought forward. The right honourable gentleman had thought that those grievances which he had stated, could be removed without withdrawing the survey of the Excise. But that would, upon reflection, be found impossible. The right honourable gentleman had said that he would bring in a bill to explain and amend the tobacco bill. He had done so; and now that the bill had been examined, it was clear that the right honourable gentleman had failed in his experiments; so far from a bill to explain and amend, the right honourable gentleman's bill was no amendment at all. The case therefore stood differently from what it had done before, and therefore justified him in moving "that the bill be recommitted."

Mr. Chancellor *Pitt* observed that with regard to the present bill not affording the manufacturers relief in any particulars, that was a fact which he must take the liberty of denying. It would afford them relief in many points, and to the two points stated by the right honourable gentleman, by the present amendment, the tables of credits, was so adapted to the staple, that there was no fear of an innocent man being subject to penalties on the one hand, nor to the frauds being committed on the other, which the right honourable gentleman had supposed to be practicable. With respect to the survey of the Excise not being applicable to tobacco, they had the experience of a year in direct proof of the contrary, and therefore, having already obtained the original object of the bill, he could not consent to abandon it. Mr. Pitt.

Mr. *Pulteney* remarked that he had voted for the tobacco bill last year, because he considered it as a bill of experiment worth hazarding, but that from the evidence which had been given to the House since, he was clearly of opinion, Mr. Pulteney.

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that the experiment was dangerous, and, if persisted in, might ultimately do more harm to the revenue than in the interim it could do good. It had been supposed that our import of tobacco was sixteen millions of pounds, or sixteen thousand hogshead, and that before the tobacco act of last year passed, duty was paid for half of the quantity: for eight millions of pounds, or eight thousand hogshead. That was (in his conceptions) a great quantity to obtain from an article, the duty of which was 1s. 3d. per pound, 500 per cent. In the article of tea not more duty than upon a fourth of the import could be obtained before the passing of the commutation act. One way of accounting for the difference was, that the smugglers of tobacco, importing only the raw material, were obliged to sell it in large quantities, and the manufacturers had the advantage of making it into snuff, &c. Mr. Pulteney assigned reasons why the smuggler could not cope with the manufacturer heretofore, and why, he thought, he might hereafter. He said that 500 per cent. was such a profit, as would tempt the smuggler not to abandon so valuable a branch of his traffick; but admitted it would be some time before he could bring his schemes to bear, and to settle his arrangements; yet, there could be no doubt but that the smuggler would set himself to learn the art of manufacturing tobacco and snuff. The later regulations, undoubtedly, had given a check to the smuggling of tobacco, and for a year or two might increase the revenue; but, the raising of 130,000l. in six months was no proof that the measure was right. When the smuggler had learnt the art of manufacturing tobacco, instead of the raw material, he would import it manufactured. There was as much easiness in smuggling manufactured tobacco as tea. A pound was a pound of either, and consequently, the one could be conveyed and concealed as easily as the other. Formerly, great quantities of the low-priced teas were smuggled, as the House well knew; and why might not tobacco and snuff be smuggled in as great quantities? Mr. Pulteney mentioned the duties on tobacco and snuff in France, being nearly half a crown per pound; and yet, when it was much more difficult to smuggle the articles into that country than at present, much was smuggled. Upon the whole, it was better for the House to proceed with more caution, and not harass the subject with the unnecessary severity of the Excise laws, and perhaps ultimately ruin that important branch of the revenue, which the duties on tobacco and snuff constituted.

Marq. of Graham. The Marquis of *Graham* declared that he should oppose a recommittment, because he thought the survey of the Excise as applicable to tobacco as to various other articles, which had long been under the Excise. Other persons had made out

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as good cases against the survey of Excise as the tobacco manufacturers, and he would contend, that the manner of taking stock in other manufactures was full as difficult. He therefore for one would try by every means to raise a duty on a commodity which ought to be taxed highest; and if the result was, that so large a revenue could be raised from it as to afford an opportunity of alleviating the burthens of the people, he would do it not by taking off the Excise from luxuries but from the necessaries, in which the poor had always a greater interest than the rich. For these reasons, before he would consent to take the survey of the Excise off the manufacture of tobacco and snuff, he should expect to see it withdrawn from soap, candles, and other articles, by the taxes upon which the poor were such considerable sufferers.

Mr. *Beaufoy* began with observing, that he would not discuss the general question so much at length as he should have done if the attention of the House had not been already fatigued by the debates that had taken place in a former stage of the bill; yet he thought himself obliged to declare that he could not vote for a recommitment of the bill on the grounds which the right honourable gentleman had stated; for except on the idea that other regulations would be established (and none which could be effectual had yet been proposed) it was evident, that to consent to a total extinction of that part of the law which applies the Excise system to tobacco, would be to abandon 500,000l. per. ann. of the public revenue to the practices of the illicit trader, as the manufacturers themselves admitted that of the tobacco consumed in Britain, no less than one half escapes the payment of the duty. Mr. Beaufoy.

That no effectual system of collection had been offered as a substitute for that which the present motion is intended to abolish, was obvious to all who had heard the several debates upon the bill, and he feared it would equally be found that no such system can ever be devised; for exclusive of capitation taxes, a species of impost that in England is happily unknown, there are but four ways in which an inland revenue (he spoke not of customs) can be raised upon the people.

The first is by an impost on the use of the articles on which the contribution is levied, and the existence of which in the hands of the owner cannot be easily concealed. Such are the taxes on land, on houses, on windows, on horses, on carriages and a variety of other articles. But this mode of collecting a revenue is not applicable to tobacco, because the existence of the commodity in the hands of the consumer maybe concealed with ease.

The second mode of raising a revenue is that of an impost on the privilege of purchasing certain enumerated articles.

Duties of this sort compose the revenue that is produced by stamps, and are never effectual to any extent; except in those instances in which the value of the commodity depends on the existence of the stamp. Thus, for example, they are perfectly effectual in the case of bills of Exchange, on bonds and deeds, and other legal instruments; because without the stamp, the bill or deed is entirely useless; but in the case of gloves, of hats, and of perfumery, they are liable to constant evasion, and for the most part are actually evaded, as the commodity for every purpose of use, is as compleat without, as with the impression of the stamp.

Hence, it is evident, that the revenue from tobacco would derive but little assistance from the system of stamp regulations, because, like hats, and gloves, and perfumery, the tobacco would be as perfect without, as with the mark of its having paid the duty.

A third mode of raising a revenue is by a tax on the privilege of selling the commodity which is the subject of the impost. This class of duties constitutes the revenue from licenses and is already applied to the article of tobacco; but never can be carried to any great extent, for it has always the inherent and incurable defect of not being proportioned to the value of the sale; a defect which renders it of course oppressive or inefficient. From this mode, therefore, no material aid in collecting a revenue from tobacco can ever be effected.

The fourth and only remaining plan for collecting an inland revenue, is that of levying the tax on the stock of the manufacturer, which is the very plan that is now the subject of debate, and for the reasons already assigned, appears to be the only one that has energy sufficient to counteract the frauds which prey upon the public income from tobacco, and annually consume in this one article, half a million of the treasures of the State.

It has indeed been said, that a reform in the Custom house establishment would supersede the necessity of applying the Excise laws to the collection of the duties on tobacco; for that if the Custom-house officers, who are employed to superintend the importation of this article were appointed by the Commissioners of the customs without the interference of the Treasury, as the Excise officers are by the Commissioners of the Excise, they would be found as faithful to their trust, and as diligent in their duty, as the officers of the inland collection: but this idea is clearly founded in mistake; for the practical integrity of the Excise officers is not owing to the mode of his appointment, but to the various checks which arise from the account of stock being taken in the first place by his colleagues, as well as by himself, and, in the next,

next; by the superior officers, as a guard to the fidelity of both. Experience has accordingly shewn, that where from the impossibility of taking an account of stock, the application of these several checks cannot be accomplished, as in the case, for example, of Excisemen stationed in ships as a guard upon the cargoes, whether of spirits or of India goods, the Excise officers, notwithstanding the mode of their appointment, are as inefficient and as corrupt as the worst officers of the customs. That they are so, is consequently a proof that the different character which they bear when employed in the inland collection is the consequence, not of the mode of their appointment, (for that is the same as before) but of the various restraints which the nature of an account of stock so obviously affords.

But while from a full conviction that no other system but that of the Excise will counteract the depredations which heretofore were hourly committed on the revenue from tobacco, Mr. Beaufoy strongly objected to the idea of repealing, without a fair and adequate trial, the act of the last session; yet he was equally anxious to declare, that on every principle of justice and of policy, the present bill ought, in his judgement, to be amended. The amendments he wished were principally two:

1. In the regulations which impose a penalty and forfeiture in all cases of a greater increase of the stock of the manufacturer, than that which is allowed by the tables of the bill.

2. In the mode of judicial determination.

He said that the evidence which had been given at the bar had proved that the stock of the manufacturer was liable to receive, from the moisture of the air, an increase which exceeded the amount of legal augmentation, and they had also proved that the extra increase, though seized by the officer, had been always restored by the Commissioners, on the oath of the party that the increase had not been fraudulent. Hence he contended that this restitution, which, as the law now stands, is granted as a boon from the Commissionres, ought to belong to the subject as of right. His wish, therefore, was, that cases of increase should be divided into three classes.

1. That of an increase not exceeding the allowance marked in the tables of the act; and therefore, as at present, neither forfeitable nor seizable; for in this case there is no suspicion of fraud.

2. That of an increase exceeding the allowances marked in the tables, but not exceeding a farther limit to be assigned, all increases of this class should be seizable as at present; but should not be forfeitable, except on supposition that the

party

party refuses to make oath that the augmentation arose from no illicit practice: for if he is able to give that proof of innocence, the increase ought to be restored to him, not as of grace, but as of legal right; not as a boon from the Commissioners, but as a just restitution directed by the law; for in this case, though there be a suspicion of fraud, yet as the change of the atmosphere is still sufficient to explain the increase, the oath of the party ought to be deemed decisive, and neither penalty nor forfeiture ought to be incurred.

3. The third class of increases should consist of such as not only exceed the limit of the table, but that also which the second class assigns. Increases of this sort should be considered as implying, from their magnitude, too strong a presumption of fraud to render the test of an oath a sufficient or wise expedient; and ought therefore to subject the accused to the ordeal of legal process and of judicial decision.

Another and still more important alteration in the act, an alteration for which in other Excise laws, Mr. Beaufoy said, he had often contended, was that of giving to the defendant an optional right of trial by his peers.

He declared his unwillingness to speak of the nature of his Excise tribunal, of the manner in which informations are laid; of the strong inducements to desperate swearing; of the dependent situation of those who fill the judgment seat; or of the dreadful speed with which the trial succeeds the notice, and the execution follows the sentence. Hard, indeed, he observed, in the situation, and distressing the dilemma of a member of Parliament who is anxious for his country; for he cannot but be sensible that if he does not succeed in his endeavours to prevail on the House to restore to the people their antient (our ancestors would have said their unalienable) right to a trial by their peers, he hazards the inconvenience of exciting useless discontent. On the other hand, he cannot but equally feel, that to permit the right of trial by jury, the genuine strength of the constitution, to be wrested from the subject without protesting against the dangerous change, is such a dereliction of duty as no motive can excuse; nor is there a pretext for saying that Excise seizures cannot, without danger to the revenue, be submitted to the decision of a jury, for to that tribunal at this very hour all seizures of vessels, though made by Excisemen, are invariably referred. But if, notwithstanding this proof of its futility, the plea of hazard to the income of the state be still urged, let the trial by jury be given as an experiment for a limited time, and in one article alone. After so many experiments in favour of revenue, the Representatives of the People will not be thought to have deserted their duty in venturing to

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indulge their conſtituents with one experiment in favour of the antient laws and Conſtitution of their country.

Mr. *Pulteney* agreed, that the higher they put their duty upon luxuries the better, provided they could effectually bar the ſmuggler, and ſecure the collection of the duty; but if they could not do both, inſtead of 500 per cent. they would, perhaps, only receive 100 per cent. Mr. Pulteney.

Mr. *Sheridan* obſerved, that the honourable gentleman oppoſite to him had opened ſo ſtrongly on the recommitment, that it was neceſſary he ſhould take ſome notice of his argument; but having lately experienced a conſiderable ſhare of indulgence from the Houſe, they might be aſſured he would not treſpaſs long upon their patience. The honourable gentleman had ſpoken with pathos on the trial by jury, and yet had concluded with ſaying, it was not his intention to vote for the opportunity on which he might move to introduce the very point he recommended. Whenever he heard of a trial by jury being applied to the Exciſe of tobacco, or any other ſingle article exciſed, he always ſuſpected it was thrown out as a lure and a decoy to attract attention, and draw the eyes of the Houſe away from the main conſideration. Profeſſions of regard for that old-faſhioned trial, could only be proved in an old-faſhioned manner, not by words, but by deeds. The honourable gentleman had ſaid a great deal about trial by jury, and neverthele ſs declared, he would not vote for the re-commitment. He would leave it to the Houſe and the country to judge of the ſincerity of the honourable gentleman's profeſſions, who contradicted them by his conduct. For his part, he ſhould never think any gentleman ſincere, who did not oppoſe every extenſion of the Exciſe laws, till the trial by Jury was univerſally adopted in all caſes of Exciſe. If the honourable gentleman was ſincere, he ſuppoſed that he would bring in a clauſe for a trial by jury at the third reading. Thought not quite conſiſtent with order, he muſt make ſome reply to an obſervation of the honourable gentleman, founded on what he ſaid, in a former debate; but he conceived that it could not be more irregular in him to reply to it, than it had been in the honourable gentleman to introduce it. The honourable gentleman had talked of his argument reſpecting the permitting the Board of Cuſtoms to appoint their own officers—— Mr. Sheridan.

The *Speaker* called to order, and told Mr. Sheridan, that he had already been out of order in queſtioning the ſincerity of the honourable member's profeſſions. The Speaker.

Mr. *Sheridan* ſaid, with all due ſubmiſſion, when he talked of an honourable member's ſincerity as a public man holding a public argument, and did not advert to any part of his private character, he conceived that he was ſtrictly in order. Mr. Sheridan.

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The Speaker. *The Speaker* anſwered, that to queſtion in that manner, went to a queſtion of the motives on which the gentleman acted, and nothing could be more unparliamentary.

Mr. Sheridan. Mr. *Sheridan* now referred to a former bill relative to trial by jury in all Exciſe caſes, which the honourable gentleman, he obſerved, muſt know, as he had a principal hand in it. That bill contained many excellent proviſions, which were never executed. After touching upon that bill, Mr. Sheridan turned what Mr. Beaufoy had ſaid relative to the diſtinction between the land officer and the officer upon water, into ſome degree of ridicule, remarking that he ſuppoſed he was to conſider the latter as a kind of amphibious animal, a ſort of web-footed Exciſeman, who was the only corrupt officer; whereas, in his opinion, the officer on land was full as liable to temptation as when he was afloat. Mr. Sheridan next levelled his arguments againſt the Chancellor of the Exchequer, and contended, that by his having admitted that this was the ſame queſtion as that brought forward before, and declaring that he agreed to the principles laid down by his right honourable friend, he in fact admitted, that the tobacco act was neither explained nor amended by the preſent bill. He ſaid it was evident that the bill afforded the manufacturers no ſort of relief whatever. The bill, he ſaid, permitted the manufacturers to have a liquid dye neceſſary to the manufacture, but it forbade them to have the ingredients to make it; which was juſt like letting a painter make a green colour, but forbidding him the uſe of red and yellow.

The bill of indulgence, as the right honourable gentleman had termed it, was a mere mockery, and the arguments reſpecting the houſe of Sales and Pollard, and the decreaſes and increaſes, were unfair and fallacious.

Mr. Beaufoy. Mr. *Beaufoy* declared that he had ſaid, that he could not vote with the honourable gentleman on the grounds that he had ſtated, becauſe, if he voted for the re-commitment of the bill, it would be on grounds directly oppoſite to thoſe taken by the mover of the queſtion of re-commitment. Mr. Beaufoy took notice of Mr. Sheridan's having, from one point to another, proceeded to make obſervations derogatory to his ſincerity. He ſaid, he would not retaliate a perſonal attack, by a replication in kind, otherwiſe he might obſerve, that he ſhould rather ſuppoſe the honourable gentleman did not mean to reconcile the intereſts of the country to the revenue, or wiſh to ſupport it. [Mr. Beaufoy was called to order from the Chair.]

Mr. Pitt. Mr. Chancellor *Pitt* remarked that the honourable gentleman oppoſite him, had addreſſed himſelf ſo perſonally to him, that under the correction of the Chair, if he might be permitted, he would wiſh to offer a word of reply. The honourable

honourable gentleman had said, that he (Mr. Pitt) had agreed that the question was the same as that for the repeal of the bill moved the other day, and then had declared, that he (Mr. Pitt) necessarily admitted that the proposed amendments were no amendments at all. The Chancellor of the Exchequer denied the justice of such inference. The right honourable gentleman who moved the question of re-commitment, had stated that the two leading grounds of objection were the effe of the atmosphere which subjected innocent men to penalties, and enabled fraudulent manufacturers to practise deceits on the officer. It was true, that he had stated, that those grounds were the real grounds of objection to the act of last session, but he had at the same time contended, that the present bill cured those defects. The honourable gentleman had also asserted that he had unfairly brought forward Messrs. Sales and Pollard. He denied the fact, and to justify such denial, Mr. Pitt recapitulated what had passed in the former debate respecting an increase where the law does not allow it, but allowed a decrease; and reminded Mr. Sheridan of his having mentioned Messrs. Sales and Pollard as manufacturers, not afraid to shew their increases, and opposed them to those manufacturers whose spirits were so broken, that they dared not to face the office.

Mr. *Sheridan* rose again to controvert Mr. Pitt's argument, and an altercation of some continuance took place, the gentleman on the one side of the House repeating the charge relative to what had been said about increases, connected with the names of Sales and Pollard in a former debate, and the gentleman on the other side as often denying it. Mr. Sheridan.

Mr. Chancellor Pitt and Mr. Sheridan were both upon their legs several times each.

At length the Speaker put an end to the dispute by calling Mr. Sheridan to order.

Mr. *Fox* said, if he was sure of any thing, it was, that his honourable friend was very correct in his statement of the Chancellor of the Exchequer's words. Mr. Fox was proceeding to recapitulate the words, when he was called to order from the Chair. Mr. Fox.

Mr. Fox observed, that there had been a great deal of irregularity, yet that it was not principally on the side of the House on which he stood; and sure he was, if it was competent for one man to assert peremptorily any thing relative to the words of another, it was but reasonable that the other should be allowed opportunities to reply in his own justification.

The Speaker answered that he agreed perfectly with the principle of the right honourable gentleman. He was aware that The Speaker.

that the debate had been somewhat irregular and disorderly, but having heard an honourable gentleman (Mr. Sheridan) charge the argument of the Chancellor of the Exchequer with being unfair and fallacious, he conceived, that he could not in justice prevent the Chancellor of the Exchequer from replying; and, as to the opportunities alluded to by the right honourable gentleman of allowing the party disputed with to answer, he really thought those opportunities had been amply afforded.

Mr. Ald. Newnham

Mr. Alderman *Newnham* said, that if the Speaker had not interfered, he certainly should not have ventured to interrupt so agreeable a *tête-a-tête*, as the House had been entertained with. He argued against the incompentency of the present bill, as to the affording the manufacturers any effectual relief, declaring that nothing short of withdrawing the survey of the Excise, and keeping the officer out of the house of the manufacturers, would enable them to preserve their valuable secrets, and carry on their manufacture with safety and success. Mr. Newnham adverted to the cyder tax imposed many years since, and before he was in the House. That he understood had been apposed on the general principle that all extensions of the Excise were unconstitutional, and not from any idea that those who drank cyder, ought not in fairness to pay to the revenue, as well as those who drank beer. The Alderman complained of the want of the general feeling that ought to prevail on all attempts to extend the Excise laws. It was, he thought, in consequence of that anti-constitutional apathy, that the Minister was able successfully to single out particular descriptions of men, and subject them, one after another, to the Excise laws. They did not unite and stand on their defence against the extension of those laws, so much as their common interest, and their duty to their constituents, rendered it necessary. Hence, in the case of the late extension of the Excise on wines, no other dealers joined in resisting the measure. In the present case of tobacco, the gentlemen representing the cyder counties were perfectly indifferent. By and by, the turn of their constituents would come, and how could they expect him, a representative of the city of London, where porter was the principal drink, to assist them?

Mr. Martin.

Mr. *Martin* said, that no person detested smuggling more than he did, whether practised by tradesmen, gentlemen, or ladies. To defraud the public, was both a folly and a crime. The effect must necessarily fall upon all liable to taxes. He wished the honourable gentleman on the bench below him (Mr. Beaufoy) would propose a clause for in...ucing a trial by jury.

Sir

Sir *Watkin Lewes* said, that a noble Lord (the Marquis of Graham) had observed, that so far as the experiment had been tried, it had succeeded, and, therefore he wished to give it every possible trial. The noble Lord would do well to recollect that while he was trying the experiment, the manufacture would be transferred into foreign countries; it would then be too late to repeal the bill; the manufacture would be in a great measure lost to this country, and the revenue injured. With respect to what had fallen from another honourable Member (Mr. Beaufoy) relative to the trial by jury (Sir Watkin said) when he received the instructions of his constituents, the citizens of London, he had declared, that in compliance with that part of the instruction, relative to the depriving the subject of a right to the trial by jury, he would move for a clause to preserve that right, in case they did not succeed in procuring the repeal; but, he was informed by the manufacturers that it would not afford them the relief they wished, although it was a very desireable object. Their complaint was, being subjected to the Excise survey, which laid them under such restrictions and penalties that they could not carry on their business, and would likewise tend to disclose the mysteries of their trade. For these reasons he did not move the clause in the Committee, till the principle of the bill had received a fair discussion, whether the Excise could be applied to the manufacture or not. Sir Wat. Lewes.

Mr. *Brandling* said, that in the town of Newcastle which he had the honour to represent, there were many manufacturers of tobacco and snuff, but that they had not expressed the smallest objection to the tobacco act, even as it stood at present. He had voted for that act last session, and not having received any instructions to the contrary from his constituents, he should vote for the present bill. Mr. Brandling

Mr. Alderman *Sawbridge* reprobated the folly of persisting in a measure, which however it might temporarily flatter the Minister's insatiable passion for increasing the revenue, at all hazards, he was persuaded would ultimately prove as detrimental to that, as it was likely to prove injurious to the interests of the tobacco manufacturers, in the mean time, by cramping the efforts of the manufacturers, checking their industry, and harassing their minds Mr. Ald. Sawbridge

The House divided,

Ayes, (for the commitment,)	-	73
Noes,	- -	141

When the House was resumed, the report of the Committee on the bill was brought up, and several amendments were put, one by one, and agreed to.

Sir Wat. Lewes. Sir *Watkin Lewes* then gave notice, that on the third reading he would move a clause to give the right of trial by jury to the manufacturers.

The House adjourned.

Friday, 30th April.

The order of the day being read for the third reading of the bill to explain and amend an act of the last session of Parliament, intitled, " An act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof,"

Sir Wat. Lewes. Sir *Watkin Lewes* rose, and desired that he might be permitted to press upon the earnest consideration of the House, a clause which was intitled, on account of its importance, to every attention. He had not brought it forward at an earlier stage of the bill, because it did not afford that entire relief which the manufacturers of tobacco had sought. Their complaint was, that the Excise could not be applied to the manufacture of tobacco, as it laid the manufacturers under such restrictions and penalties, that they could not carry on their business, at the same time that it exposed the mysteries of their trade; therefore, nothing short of a repeal would secure the continuance of the manufacture, they said, to this country, which would be very much injured by the act which passed the last session of Parliament. He was apprehensive too, if it had been brought forward before, it might have injured the cause of the manufacturers, who had complained of being put under the Excise, and the heavy penalties they were exposed to in carrying on their business. The principle having now received an ample discussion, and the House having determined to make a farther trial of that act, explained and amended as the present bill proposed, (of which he had very strong doubts, founded upon the evidence of the respectable witnesses who had appeared at the bar) he should submit to their consideration the clause, of which he had given notice, as affording some relief, though it fell short of the expectation which the manufacturers looked to, in the repeal of the act. At the same time he must inform the House, that he was instructed by his constituents, the citizens of London, who considered every extension of the Excise as depriving so many persons who were affected by it, of their birthright as freemen, that they wished to obtain that alleviation of the severity of the act, if they could not succeed in gaining those more essential advantages, to which they conceived they were, as British subjects, entitled. The object of the clause was to secure to every person affected by the bill, that glorious privilege, which was so much the boast of every Englishman, a right of being tried by his peers whenever

ever his liberty or property was concerned. The grand objections to the Excise laws, besides those which he had already stated, were, that the persons subject to them were to be tried by those who were appointed and removable at the pleasure of the Crown. This was giving an unconstitutional controul to the executive power, when, by the principles of the Constitution, every person had a right to a trial by jury. He did not mean to impute any blame to administration, or to the Commissioners. He had heard, with pleasure, the right honourable gentleman at the head of the Treasury declare, that the subject had occupied a great deal of his time, and he wished to give those persons affected by the Excise laws the benefit of a trial by jury, but he had not made up his mind upon the subject. The clause, which he had to propose, was not liable to the objections which were before stated; it was confined to those persons affected by the present bill; it was confined to one article; and if it proved not to be injurious to the revenue, he hoped it would lay the foundation of a general bill, to apply to all cases of Excise whatever, and that the right honourable gentleman would bring in such a bill. The clause proposed to give an optional right of a trial by jury, or to the Commissioners, &c. It was not to be supposed, that any person would prefer a trial by a jury, unless he was conscious his cause was good, as the Crown paid no expence, and for which he was to give security, and for the penalties he was supposed to have incurred. In conclusion Sir Watkin moved for leave to bring up the clause.

The *Attorney General* observed, that the present motion brought before a thin House concerned a branch of revenue which constituted one third part of the whole revenue of the nation; and warned the House of the danger of agitating and deciding upon a principle, suddenly brought forward, without due time for mature consideration, in the very last stage of a particular bill: that, if such a motion were entertained, it ought to be with a view to the whole revenue of Excise, upon the fullest notice, and after much investigation and information received. He hoped, no one who entertained the opinion which he did, of the applicability of the trial by jury to the collection and inland duty, such as the Excise, would be considered as an enemy to that institution in general; on the contrary, they who had the most frequent opportunities of seeing the excellent effects of it, which was particularly the case with those of his profession, must be of his opinion on that subject, that, to that happy institution was owing every thing good which we enjoy, with that it would continue, and with that terminate. The present mode respected not the mode of collecting the Excise revenue, and the powers Attorney General.

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neceſſarily given to the officers for that purpoſe, but it reſpected the preſent Exciſe Judicature. This, indeed, was an exception to the general principles of our conſtitution; but it was an exception which had ſubſiſted for near a century and a half; under which trade had flouriſhed, and the country proſpered; it was an exception which had not been objected to at the Revolution, when the rights and the ſecurity of the ſubject were canvaſſed and examined to the bottom, for the purpoſe of reſtoring every principle of our Conſtitution to its full force; for no new principle was then introduced, but the old ones reſtored and perfected: Nor had this project been inſiſted upon till of late. Such a propoſition, therefore, which had the teſt of time, and which had not been deemed a grievance upon the ſtrict ſcrutiny that took place a century ago. deſerved at all times a ſolemn and deliberate conſideration, but ought not to be brought forward under the circumſtances which attended the preſent motion. A general introduction of this mode of trying Exciſe cauſes, he believed, was given up by moſt men, as abſolutely inconſiſtent with the collection of a duty conſiſting of minute detail, which was not the caſe with the duty of cuſtoms, and which was neceſſarily guarded by many regulation, to which penalties were annexed. The ſpeedy and ſtrict exaction of the penalties annexed to the breach of regulations, he much approved of, as it checked inducements to frauds, which, in the end, might expoſe the trader to very heavy penalties. This propoſition coming at this time, and in this manner, was ſtated, however, as reſtricted to an option on the part of the defendant, and as an experiment—As an experiment, he thought it the worſt inſtance which could be ſelected, becauſe, to make a fair experiment, an inſtance ought to be ſelected where the duty had been before collected without an option of this kind, in order to ſee whether advantage or diſadvantage aroſe from collecting it, ſubject to ſuch an option. In a duty of which he had obtained little experience, even in the one way, there could not be terms for a compariſon with any other. With reſpect to the option, he wiſhed gentlemen to conſider what would prove the obvious conſequence. Security muſt be required to anſwer the forfeiture, or penalty, and the coſts. This ſecurity could only be judged of by the magiſtrate, whoſe juriſdiction was objected to, taking the oath of the ſureties, that they were able to anſwer for the penalty and coſts. This would ſoon degenerate in Jew bail; and, in the courſe of ſome months which muſt elapſe before the trial could come on in the Court of Exchequer, the effects and the ſureties would both diſappear. This would be taking the perſonal ſecurity of two individuals, on their own oaths, as to their circumſtances, inſtead

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of the security now given by law over the trader's effects, which might be made to indemnify the revenue immediately. The vital principle of an inland duty was short credit; and they had been progressively shortened for several years past, with a speedy recovery of growing duties, and a speedy inflicting of penalties. If these were objections, the existence of such a duty which produced six millions and a half must be objected to, for without it, that duty could not be collected at all. If this experiment were supposed an advantage to the dealer in tobacco, how must he think it, that the advantage was not given to him, as to many other articles in which he dealt, as was usually the case with retailers. This demonstrated that such a proposition as the present ought to proceed on some fixed and general principle very maturely considered, and not on one particular article. With respect to the jurisdiction of the justices, there was not, or ever had been, any real complaint against it, and he had hardly believed that any instance was to be found, where they had ever been questioned in the superior Courts for malversation in that part of their duty. They had, what the Courts above could not take, a large discretion in mitigation; they were gentlemen resident in the country not likely to be partial to the revenue against their neighbours, and yet they felt the necessity of preventing frauds; they were in reality arbitrators with large discretion, between the Crown and the subject. No grievance was suffered, and he verily believed that the trader would not wish to forget that jurisdiction. Gentlemen might conceive that the verdicts of juries were very favourable to defendents in the Court of Exchequer, and therefore, that it would be reasonable to give them the option of going there. In order to ascertain that, he had procured a return from the Solicitor of Excise from Christmas 1788, to Christmas 1789, of all the verdicts given in Excise causes. That year had been somewhat influenced by the avocation of the Judges to a duty in another place, and therefore so many causes might not have been tried as in ordinary years. There appeared to be only four verdicts for defendants. One seemed to be an object of little value, the merits of which he could not recollect. Another was merely to get the opinion of the Court upon the Brick act, respecting the duty payable on a commodity called a Brick-tile, and was understood by all parties to be for that purpose. The third was against a maker of smugglers, who commissioned spirits from abroad, selling them at an advantageous price, if they could be run, where, upon a case proved to the perfect satisfaction of the Judge, the jury gave a verdict for the defendant. This gave him little concern, as capricious verdicts must sometimes occur where a jury are perfectly free agents.

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The fourth was in the case of a very eminent glover, who employed foreigners to cut and fold his gloves in the foreign manner, as being most sought after, which deceived the trade, and also the officers; but he turned out to be guilty of smuggling English gloves. As to the advantages which he expected from acquittals by juries, they did not, therefore, seem to be very great. For these reasons he felt himself warranted in the remark that nothing in the present state of the judicature, nothing in part of experience of more than a century, could in the least justify any alteration whatsoever.

Mr. Beaufoy. Mr. *Beaufoy* now begged to be indulged in a few observations on what had fallen from the right honourable and learned gentleman, promising that he would comprize what he had to submit to the House, in as short a compass as possible. Mr. Beaufoy then proceeded to oppose a reply to the several heads of the Attorney General's argument; with regard to what had fallen from the right honourable gentleman relative to the necessity of not bringing forward a clause like the present, but upon fullest notice, and in such a manner as to afford an opportunity for the most mature deliberation. Surely (Mr. Beaufoy said) there was no ground for that objection to the present motion: the right honourable gentleman could not have forgotten, that he had not two sessions since, after a very full notice, called the attention of the House to the subject, and brought in a bill for extending the right of trial by jury optionally to all cases of Excise. As the law stood at present, the Excise officer had that option; he might either subject his seizure to summary jurisdiction, or he might carry it before a jury; all he wanted, (Mr. Beaufoy said) was to put the subject on the same footing with the officer, and to give him an option of the mode of decision exactly in the same way as the officer of the Excise now enjoyed it. When the bill to which he had alluded, and which he had brought in on the subject of extending trial by jury to Excise cases, was before the House, the purport of it challenged discussion, and therefore it was neither, in his opinion, very fair, nor consistent with his usual candour, for the right honourable gentleman to treat the present proposition as a new principle, never before attempted to be introduced into the Excise laws. As to the argument, that if a right of trial by jury were given in cases of Excise, it ought to be given in all cases, and not in any particular one, the worthy magistrate had so fully explained why it was more adviseable to make the experiment in a single instance, than to risque so large a revenue as the whole produce of the Excise laws, (above five millions sterling,) upon it, that it was unnecessary for him to add a syllable in corroboration of

what the House had already heard. Mr. Beaufoy took notice of that part of the Attorney General's speech in which he had observed that most of the Excise causes tried in the Court of Exchequer were decided in favour of the King. He said, that he did not wonder at the facts being as the right honourable gentleman had stated, because, under the present Administration and such an Attorney General as the country had now the good fortune to be blessed with, it was not likely that any oppressive and vexatious prosecutions would be carried on against the subject; since those who knew the character of the right honourable gentleman could not have to learn, that he was not likely to countenance any cause being brought to trial, in which there appeared the least colour of reason to think that the defendant had not been wilfully culpable. But much as he rejoiced in having an Attorney General of so mild a disposition, and who was likely to exercise the power with which the penal statutes armed him leniently, he did not admire the suffering the liberty and property of a British subject to depend on the humanity and forbearance of any individual; they ought to depend solely on the law of the land! And it was for that reason, and to prevent the chance of the subject being harassed and oppressed by future Attornies General, who might happen to be of a less considerate, and more severe turn of temper, than the right honourable gentleman, that he wished the option of a trial by jury to be sanctioned by statute.

Mr. Mitford.

Mr. *Mitford* declared, that no person whatsoever, whose profession necessarily made him conversant with Courts of justice, could possibly avoid professing himself with the utmost sincerity, a warm admirer of the trial by jury. That mode of trial certainly deserved all which his right honourable and learned friend had said in praise of it, but there was much ground for doubt, whether it would be right or not to extend that mode of trial to the Excise laws. In the first place, it was a question that must occur to ever man whose habits led him to a familiarity with the subject of legal jurisdiction, whether it would be practicable to have all Excise causes tried by jury? In the country, the persons liable to be summoned upon juries, must have a certain qualification; whence their number, comparatively considered with the bulk of the people in their vicinage, was but few. At present it was difficult to find juries, and if all the causes to which the Excise laws give rise were thrown into the scale, the addition would be more than double the *quantum* of causes at present triable by juries. Such an encrease of business, therefore, would not only be productive of manifest inconvenience, but might possibly be attended with an effect which every lover of the Constitution must earnestly wish

to avert: it might occasion the trial by jury to lose its respectability, and fall into contempt. There was already one sort of juries which had actually sunk into this situation, and that was, the juries summoned to try causes at country courts. Those who knew any thing of country courts, must know what miserable beings attended as jurymen, and the degree of contempt in which they were holden.

Mr. Ald. Watson. Mr. Alderman *Watson* contended that the subject ought to have an option of trial by jury in all excise causes whatsoever: and no arguments which he had heard that day, had altered his opinion, because he had heard nothing which did not go equally against trials by jury in general, as much as against trials by jury in excise causes. The right honourable and learned gentleman had thought proper to observe, that if trial by jury obtained in cases of excise, the Crown would have no other than personal security for the penalty in contest; but what other than personal security had the subject or the Crown, in any cause brought into the Courts for decision, let the importance of it, or the quantum of the damages be ever so large? He thought the argument, that the present clause was objectionable, on account of its selecting a single article of excise as a fit subject for the application of trial by jury, whereas it ought to be applied generally to all articles under the excise, an unusual argument; since it would be dangerous to risque so large a revenue as nearly six millions of money on the experiment, though it might be safely tried in a single instance, and that in a bill, which was of itself a bill of experiment.

Mr. Sheridan. Mr. *Sheridan* remarked, that the right honourable and learned gentleman had gone into an elaborate praise of trial by jury, in the very moment that he was endeavouring to persuade the House to reject a clause calculated to extend the benefit of that mode of trial to a very numerous description of subjects! This was of a piece with the general conduct of those who supported every extension of the excise laws; they admitted them to be an exception to the constitution, they declared them an evil repugnant to principles of personal freedom, and they nevertheless voted for them. The right honourable and learned gentleman had stated four cases in which defendants had obtained verdicts against the Crown, and one of them, he had said, was a cause tried against a person who was a maker of smugglers. That men were made smugglers, and not born such, he was ready to admit; but he must contend, that men were made smugglers by act of Parliament, and in that manner only. The right honourable and learned gentleman, amidst the extraordinary praises he had been so lavish in bestowing on juries, had said, that in this case of the maker of smugglers, though he and all the Court

Court were much ſurpriſed at it, the jury had found for the defendant; but that, although he conſidered the judgement as capricious, he was glad of it, as it proved the independency of the jury. That was rather a ſingular mode of panegyrizing juries, becauſe he could not conceive that a jury's being independent of all regard to evidence, truth, and juſtice, was a ſort of independence very much to their credit. The Houſe, Mr. Sheridan conceived, would do him the juſtice to recollect, that when he lately had occaſion to diſcuſs the queſtion of the exciſe laws at ſome length, he had declared that, with reſpect to the applying the trial by jury to the ſingle inſtance of exciſe on tobacco, if that idea were thrown out by way of lure or decoy, he ſhould reſiſt it, not thinking the trial by jury a deſirable matter, unleſs a previous reviſal of the exciſe laws were entered upon, with a view to a general reform of that ſyſtem. This was his opinion upon the ſubject; but the clauſe which had been moved having for its object the applying the trial by jury to the exciſe on tabacco, he certainly could not heſitate a moment as to his acceptance of the offer.

Mr. *Martin* ſaid, that it was the practice of gentlemen at all times to profeſs public principles of patriotiſm, but never, when in power, to practiſe them; nor was this remark more applicable to the preſent Adminiſtration than to any other. Mr. Martin.

Sir *Watkin Lewes* contended that this clauſe, ſo far from affecting a fourth part of the revenue, did not affect the twelfth part, for the revenue collected by exciſe amounted to upwards of ſix millions; but the right honourable and learned gentleman had argued as if it would injure the whole of the amount to be collected on tobacco, whereas he was of opinion it would not injure the revenue at all; admitting the poſſible inconvenience which he had put, was the failure of the ſecurity to be put in competition with the birth-right of the ſubject, and that glorious privilege which was the boaſt of Engliſhmen? Sir Watk. Lewes.

Mr. Alderman *Sawbridge* declared, that a trial by jury would not only be an acceptable favour to the ſubject, or rather a reſtoration of right, but an advantage to Government. Alderman Sawbridge

On the queſtion being put, the Houſe divided;

Ayes, 22; Noes, 100.

Sir Watkin Lewes afterwards propoſed another clauſe, to exempt tavern keepers, coffee-houſe keepers, and publicans, from paying five ſhillings for a licence, under the deſcription of dealers in tobacco, in conſequence of a petition which he had preſented to the Houſe, complaining that they were ſubjected to that duty under a general deſcription of dealers in tobacco; and that if they had conceived that they were in-

cluded, they would have petitioned against the former act, which clause was likewise negatived.

The order of the day being read, the House resolved itself into a Committee on the Post-horse Farming bill.

Mr. Sheridan. Mr. *Sheridan* contended that the produce of the duty, since it had been farmed out, was not greater than it might reasonably have been expected to have been, had the collection been continued in the hands of the Commissioners of Stamps. Mr. Sheridan went into a variety of calculations and arithmetical statements, for the purpose of shewing that eleven thousand pounds were the utmost that could be said to be the surplus of the produce of the duty for the year 1789 over the produce of the year 1788.

Mr. Rose. Mr. *Rose* affirmed that the papers on the table incontestibly proved, that the surplus gained for the Public, by farming the tax, was 22,000l.

Mr. Pitt. Mr. Chancellor *Pitt* remarked, that the honourable gentleman (Mr. Sheridan) in calculating the sum, was wrong in some thousands; and in calculating the time, was wrong in some months.

The Farmers General of France were frequently alluded to, Opposition asserting that the bill sowed the seeds of introduction of similar evils in this country, and the friends of Administration contending, that under a free Government like ours, no such rank plants could thrive.

Mr. Pulteney. Mr. *Pulteney* rejoiced that the Chancellor of the Exchequer had agreed that the bill should not be permanent, but temporary. Such a bill ought to come often under the revision of that House, and its principles should be considered again and again. If the bill had been perpetual, it might have proved oppressive to the people, and a source of corruption in the hands of Government by the exercise of patronage.

Sir Wm Cunyng. Sir *William Cunynghame* said, that in England, if a post-chaise, with a pair of horses, was hired for a day, the duty was 3s. 6d., and the duty had been the same in Scotland till the Farmer General came, who made gentlemen pay for going out fifteen miles to dine and back again, 3s. 6d. going, and 3s. 6d. returning.

Mr. Ryder. Mr. *Ryder* observed, that it was the strangest patronage which Ministry were to derive from the present bill that he had ever heard of, since they were obliged, by the bill, to abandon the appointment of a great number of officers, and to put the farm of each district up to public auction, and give the contract to the highest bidder. If such a mode of disposal of the farms of the post horse duty, which deprived the Lords of the Treasury of all sort of interference, was a species of patronage capable of corruption, Messrs. Christie and

and Skinner possessed more of it than any men in the kingdom.

Sir *William Cunynghame* remarked, that Mr. Searle, of Kingston, who had taken the farm of all the districts in Scotland, as successor of Mr Smith, now a prisoner in Edinburgh tolbooth, had publicly advertised, in the Edinburgh newspapers, to let the districts in small divisions, which, Sir William conceived, was contrary to the letter of the law. Sir Wm. Cunynghame.

Mr. *Rose* declared, that he had that day received a letter from Mr. Searle, not only denying the fact charged, but appealing to the terms of his own contract, as an incontrovertible proof that it could not be founded. Mr. Rose added, that the contract expressly restrained Mr. Searle from the power of doing what the honourable Baronet had charged him with. Mr. Rose.

Sir William said he would next week bring down the newspaper.

Mr. *Pulteney* explained, declaring that he did not mean to say that he supposed that the powers which the act gave would be abused now, but to caution the House against the possibility of their being abused in future. Mr. Pulteney.

Mr. Sheridan re-stated his calculations; and at length the bill was committed, and the House adjourned.

Monday, 3d May.

The report of the Post-horse Duty Farming bill having been brought up,

Sir *William Cunynghame* begged leave to remind the House, that he had stated, on the preceding Friday, that he had seen an advertisement in the Edinburgh newspaper, from Mr. Searle, offering to let out his district into divisions. He had then in his hand two papers, one dated the 13th, and the other the 3d of April, in which the farmer of the whole district of Scotland advertised to let thirteen sub-districts out in one paper, and in another seven more, so that they who let out post horses, would have twenty-one tyrants in Scotland, instead of one. It was well known, that for some days there was not a hackney coach to be had in Edinburgh, where hackney coaches were better regulated than in any town in Great Britain, on account of a dispute of how far the coach owners were liable to the duty. Several poor wretches who kept horses, but not to let out as post horses, were brought before him, and other gentlemen of the quarter sessions at Linlithgow, and put to expence, and harassed with vexatious proceedings, through the arbitrary conduct of the farmers of the post-horse duty. Sir Wm. Cunynghame.

Mr. *Rose* trusted that the honourable Baronet would please to recollect that he had not contradicted him, as to the fact Mr. Rose.

of

of the advertisements having appeared in the newspapers, but had only said, that Mr. Searle denied any knowledge of it, and that it was an express stipulation in his contract, that he should not let out his district into sub-divisions. Mr. Rose added that, for his own part, he was not fond of reading letters in that House, but after what the honourable Baronet had said, he must produce Mr. Searle's letter. He read the letter to the House, and in it Mr Searle declared that he had never heard of the circumstance, till he saw it stated in a newspaper, giving an account of the honourable Baronet's speech; that if the fact was founded, his agent had done it without his knowledge, and that he would discharge him if he repeated such a liberty. It was no manner of consequence, whether what Mr Searle had written was true or not, as it was the express condition of his contract that he should not let his district into sub divisions. With regard to what the honourable Baronet had stated, of the inconveniences arising from the conduct of the farmers of the duty, he begged the honourable Baronet to bear in mind, that the farmers of the duty had no power whatever greater than that enjoyed by the agents of Government before the duty was let to farm.

Sir Wm. Cunynghame. Sir *William Cunynghame* answered, that he saw how the matter would be managed; the persons who took the sub-districts would pass for the agents and collectors of the Farmer General.

Mr. Pulteney. Mr. *Pulteney* wished to ask the honourable gentleman, why so large a district was made as all Scotland?

Mr. Rose. Mr. *Rose* said, the question referred to the management of the collection of the duty, which lay with the Commissioners appointed for that purpose. It might certainly be adviseable to let out the duty for Scotland in two or more districts.

The amendments reported were agreed to, and the bill ordered to be engrossed.

Mr. Boughton Rouse (according to order) reported from the Committee of the whole House, to whom it was referred to consider of the several accounts and papers which were presented to the House, upon the 19th day of February and the 11th day of March last, by Mr. Morton, from the Directors of the East-India Company, the resolutions which the Committee had directed him to report to the House; which he read in his place, and afterwards delivered in at the table, where the same were read, and are as follow, viz.

"Resolved, That it appears to this Committee, that the annual revenues of the East-India Company, in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the heads of Mint or Coinage Duties, Post-Office Collections, Benares Revenue, Oude Subsidy, Land Revenues, Customs,

Customs, and the receipts from the sales of salt and opium for the year 1789-90. are estimated by the Governor General and Council to amount to the sum of five crores sixty lacks ninety-three thousand nine hundred seventy-one current rupees.

"Resolved, That it appears to this Committee, that the charges to be defrayed by the East India Company in the provinces of Bengal, Bahar, Orissa, and in Benares and Oude, under the heads of civil, military, and marine, the charges of buildings and fortifications, of collecting the revenues and customs, and the advances and charges on account of salt and opium, for the year 1789 90, are estimated by the governor general and council to amount to the sum of three crores sixteen lacks twenty-six thousand two hundred and seventy current rupees.

"Resolved, That it appears to this Committee, that the annual revenues of the East-India Company in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the heads of mint or coinage duties, post-office collections, Benares revenue, Oude subsidy, land revenues, customs, and the receipts from the sales of salt and opium, amounted, on the average of three years, from 1786-7 to 1788-9, both inclusive, to the sum of five crores thirty lacks fifty-seven thousand five hundred eleven current rupees.

"Resolved, That it appears to this Committee, that the annual revenue of the East-India Company in the provinces of Bengal, Bahar, and Orissa, and from Benares and Oude, under the same heads, which were estimated for the year 1788-9 at five crores forty-four lacks one thousand four hundred and eighty-one current rupees, amounted to five crores sixty one lacks ninety-nine thousand nine hundred and forty-two current rupees.

"Resolved, That it appears to this Committee, that the charges defrayed by the East-India Company in the provinces of Bengal, Bahar, and Orissa, and in Benares and Oude, under the heads of civil, military, and marine, the charges of collecting the revenues and customs, and the advances and charges on account of salt and opium, which were estimated for the year 1788-9 at two crores ninety-four lacks fifty-seven thousand nine hundred and eighteen current rupees, amounted to three crores eighteen lacks thirty-two thousand and five current rupees.

"Resolved, That it appears to this Committee, that the annual revenue of the East-India Company at the presidency of Fort Saint George and the settlements subordinate thereto, and in the Carnatic and Northern Circars, under the heads of mint or coinage duties, sea or land customs, subsidy of the Nabob of Arcot and Rajah of Tanjore, land revenues, and

farms

farms and licences, amounted, on an average of the years 1786-7 and 1787-8, to the ſum of twenty-ſeven lacks ninety-five thouſand nine hundred and twelve pagodas.

"Reſolved, That it appears to this Committee, that the annual revenues of the Eaſt-India Company at the preſidency of Fort Saint George and the ſettlements ſubordinate thereto, and in the Carnatic and Northern Circars, under the heads aforeſaid, which were eſtimated (after allowing for the charges of collecting the ſame) to amount to thirty-one lacks ſeven thouſand four hundred and ſeventy-eight pagodas, amounted to thirty lacks thirty-three thouſand and ſeventy-two pagodas.

"Reſolved, That it appears to this Committee, that the charges defrayed by the Eaſt-India Company at the preſidency of Fort Saint George and the ſettlements ſubordinate thereto, and in the Carnatic and Northern Circars, under the reſpective heads of civil, military, buildings, and fortifications, which were eſtimated for the year 1789-90, to amount to twenty-nine lacks eighty-ſeven thouſand five hundred and ſixty four pagodas, amounted to thirty-two lacks fifty five thouſand and ninety three pagodas.

"Reſolved, That it appears to this Committee, that the annual revenues of the Eaſt-India Company at the preſidency of Bombay, and the ſettlements ſubordinate thereto, under the heads of land revenues, cuſtoms, and farms and licences for the year 1789-90, are eſtimated by the governor and council of Bombay at the ſum of eleven lacks, ninety-one thouſand ſix hundred and twenty ſeven Bombay rupees.

"Reſolved, That it appears to this Committee, that the annual charges to be defrayed by the Eaſt India Company at the preſidency of Bombay and the ſettlements ſubordinate thereto, in the year 1789-90, are eſtimated at forty-nine lacks two thouſand ſix hundred and ſeventy-ſix Bombay rupees.

"Reſolved, That it appears to this Committee, that the annual revenues of the Eaſt-India Company at the preſidency of Fort Marlborough and its dependencies, ariſing from cuſtoms, farms, and licencies, amounted on an average of three years from 1785-6 to 1787-8, both incluſive, to the ſum of eleven thouſand and twenty four dollars.

"Reſolved, That it appears to this Committee, that the total debts owing by the Eaſt-India Company in their different ſettlements in the Eaſt-Indies, excluſive of the ſums for which bills have been granted, payable on the court of directors at home, in purſuance of their orders of the 15th day of September 1785, and 31ſt day of July, amounted, according to the lateſt accounts of the whole debt received in England,

England, to the fum of fix crores fifty lacks thirteen thoufand eight hundred and fifty-eight current rupees.

" Refolved, That it appears to this Committee, that the total of the debts owing by the Eaft-India Company in their different fettlements in the Eaft-Indies, bearing intereft, amounted, on the 30th day of April 1789, to the fum of five crores twenty-fix lacks fix thoufand feven hundred and twenty feven current rupees.

" Refolved, That it appears to this Committee, that the annual amount of intereft, payable on the faid debts in India, was forty-three lacks eighty-four thoufand two hundred and fixty-three current rupees.

On the queftion, " That thefe refolutions be read a fecond time."

Mr. *Tierney* rofe and moved, " that the report be recom" mitted," declaring, that his reafons for doing fo were, that they were founded on a partial reprefentation, comprehending only one part of the Company's affairs, and that, if agreed to by the Houfe, they might miflead the public, and perfuade individuals to embark their property on what would appear to be good fecurity with a growing profit, while in reality it was only a delufive and ruinous fpeculation. He was induced to ftand forward on a fubject that would have better become a perfon of more confideration and greater abilities, becaufe he had ftudied the affairs of the Eaft India Company with much attention, and becaufe he firmly believed that they had been lofing, on the whole, for the laft four years; and that, without affiftance from the public, they muft neceffarily be bankrupt in 15 months from the debate. Delufive ftatements of finance for the purpofe of raifing the public funds, comparatively fpeaking, did but little harm; becaufe when they came to find their natural level, one lofs was divided among fo many, that it was not much felt by individuals; and becaufe accounts of the national receipt and expenditure were fo eafily underftood, that a falfe impreffion could be of fhort duration. The cafe was very different with regard to the affairs of the India Company; becaufe they poffeffed a monopoly, the advantage of which could be known only from their own reprefentations; and becaufe their accounts might be made in fuch a manner, as that volume after volume might be publifhed, without a poffibility of their being underftood by the public. In attempting to make thefe accounts intelligible, he trufted the purity of his motive, and the perfpicuity of his ftatement, would apologize for the refumption of the undertaking. He meant to trefpafs but very fhortly on the patience of the Houfe, becaufe, contrary to the practice of the right honourable gentleman who opened the India Budget, inftead of entering

Mr. Tierney.

ing into a long detail of particulars, he thought the clearest as well as the most accurate mode was to state the leading points, which, in fact, comprehended the whole. He proposed to consider the Company as a merchant trading to China, and possessed of an estate in India; from the gross amount of their sales to deduct the prime cost, customs, freight, demurrage, &c. and also the interest of bonds issued to increase their capital; to the net profit of their trade thus obtained, to add the clear produce of their estate in India, which, together, would shew their annual income; and in proportion as this exceeded or fell short of their outgoings in England, would the Company appear to gain or lose on the whole.

In support of the veracity of his positions, Mr. Tierney referred to the following East-India Papers:

No. 1.

Account of the net revenues in Bengal, and other net charges at the other settlements of the East-India Company, together with the interest paid on the Indian debt, for the last three, four, and five years.—Extracted from the accounts delivered to the House of Commons in the different years therein referred to.

	Bengal. Net Revenue.	Madrass Net Charges.	Bombay. Net Charges	Ft. Marl Net Charges.	St. Helena Net Charges.	Interest on Debt.
1786-7 — —	1476327	74041	94994	64208	24918	535534
1787-8 — —	1985727	281182	448567	46740	26122	480701
1788-9 — —	2481859	182168	*485135	29816	26122	438426
Three years — — £.	5943913	53739	1883649	140764	77162	1454661
1785-6 — —	923544	127374	447105	70746	23395	637025
Four years — — £.	6867457	664765	2330754	211510	100557	2091686
1786-7 — —	1002677	202377	426558	60891	23769	†500000
Five years — £.	7870134	867142	2757312	272401	124326	2591686

* Per estimate. † Supposed.

C. rupees, taken at 2s.—Bombay rupees, at 2s. 6d.—Pagodas, at 8s.

If the extraordinary receipts for the year 1788-9 were deducted, there would be a difference of about 500,000l. between the income of that year, as stated above, and the actual current receipts.

No.

No. II.

Account of the Net Surplus in India, for three, four, and five years.—Extracted from No. I.

Five years net Bengal revenue (1784-5 to 1788-9) —	— — —		£.7,870,134
Ditto — ditto charges —	Madrass -	£. 867,142	
	Bombay -	2,757,312	
	Fort Marlbro'	272,401	
	St. Helena -	124,326	
	Interest on debt -	2,591,686	
			6,612,867
	Five years net surplus		£.1,257,267

Four years net Bengal revenue (1785-6 to 1788-9) —	— — —		£.6,867,457
Ditto — ditto charges —	Madrass -	£. 664,765	
	Bombay - -	2,330,754	
	Fort Marlbro'	211,510	
	St. Helena -	100,559	
	Interest on debt	2,091,686	
			5,399,272
	Four years surplus		£.1,468,185

Three years net Bengal revenue 1786-7 to 1788-9) —	— — —		£.5,943,213
Ditto — ditto charges —	Madrass -	£. 537,391	
	Bombay -	1,883,649	
	Fort Marlbro'	140,764	
	St. Helena -	77,162	
	Interest on debt	1,454,661	
			4,093,627
	Three years net surplus		£.1,850,286

No. III.

Account of the Sales of Goods from India and China, and the sums to be deducted therefrom, for the last four years, distinguishing each year From the papers delivered to the House of Commons.

March 1, 1786, to March 1, 1787.	Received for goods sold —		£.4,666,544	
	Customs —	£. 523,605		
	Freight and dem. -	883,001		
	Charges merch. -	359,673		
	Prime cost Ind. and China	1,817,599		
	Tea purchased in Europe	843,302		
	Interest on bonds -	80,000		
			4,507,180	
				£.159,364

March

March 1, 1787, to		Brought over,	£.159,384
March 1, 1788. Received for Goods sold,		£.487,614	
Customs, - -	£.576,197		
Freight and Dem.	819,848		
Charges Merch. -	414,522		
Prime Cost Ind. and China,	2,473,254		
Tea purchased in Europe,	269,091		
Interest on Bonds, -	80,000		
		4,632,922	
March 1, 1788, to			£. 241,692
March 1, 1789. Received for Goods sold, -		£. 4,256,518	
Customs, -	£. 476,194		
Freight and Dem. -	951,405		
Charges Merch. -	327,823		
Prime Cost Ind and China,	2,316,468		
Tea purchased in Europe,	85,835		
Interest on Bonds,	102,000		
March 1, 1789, to - -		£. 4,259,725	
March 1. 1790, Received for Goods sold, -		£. 4,417,288	
Customs, -	501,770		
Freight and Dem. -	849,680		
Charges Merch. -	336,757		
Prime Cost Ind. and China,	2,472,738		
Interest on Bonds, -	128,000		
		£. 4,288,945	
			£. 128,343
			£. 529,399
		Deduct Loss, 1788, -	3,207
		Total Profits on four year's Trade,	£. 526,192

No. IV.

Account of the East-India Company's Receipts and Payments on an average of three and four years. Every Article extracted from Papers before the House of Commons, except "Stores consumed," which is estimated.

Four Years Receipts.

Four years Profit on Trade, from 1786-7 to 1789-90,	£. 526,192
Four years Surplus in India, from 1785-6 to 1788-9, -	1,468,185
Four years net Receipts from Government,	144,000
	£. 2,138,377

Four Years Payments.

Stores consumed in four years, - -		£. 400,000
Payments to the War Office, ditto, -		250,000
Dividends,		
1786-7	£. 270,000	
1787-8	320,000	
1788-9	320,000	
1789-90	320,000	
		1,230,000
Commercial Charges in India, four years, -		400,000
Interest on transferred debt, due 1st of March, 1790,		98,637
		£. 2,378,637
		2138,377
Balance against	£.	240,260

Three Years Receipts.		
Three years Profit on Trade, from 1787-8 to 1789-90 –	£.	370,035
Three years Surplus in India, from 1786-7 to 1788-9, –		1,850,286
Three years net Receipts from Government, – –		108,000
	£.	2,328,321
		1,838,637
Balance in favour,	£.	489,684

Three Years Payments.			
Stores consumed in three years, –		£.	300,000
Payments to War Office ditto, –			180,000
Dividends,			
1787-8,	£. 320,000		
1788-9,	320,000		
1789-90,	320,000		960,000
Commercial Charges in India, three years,			300,000
Interest on transferred debt, – – –			98,637
		£.	1,838,637

No. V.

Comparison of the Debts of the Company in India, as they stood on the 30th of April, 1789, and on the 30th of April, 1786. From the Account of Quick Stock delivered to the House of Commons.

1786. Debts outstanding, –	£.	8,097,082		
1789. Dit. dit. – –		7,073,268		
		1,013,814		
Transferred to England, –		2,268,703		
1789, worse than 1786, –			£.	1,244,889

No. VI.

Comparison of the Debts of the Company in England, as they stood on the 31st of January, 1790, and on the 31st of January, 1786 and 1787. From the Papers delivered to the House of Commons.

1786. Debts outstanding, –	14,682,625		
1790. Dit. dit. – –	13,744,239		
Deduct more received on 1,800,000l. increased, – – –	938,386		
Capital, and consequently due, –	1,180,000		
1790, debts worse than 1786, –		£.	241,614
1787. Debts outstanding, – –	15,443,349		
1790. Dit. dit. – –	13,744,239		
Deduct more received on 1,100,000l.	1,699,110		
Decreased Capital, and consequently due	740,000		
1790, debts better than 1787,* –		£	959,110

During

During the course of his speech, Mr. Tierney observed, that in his calculations, he had included no article of extraordinary receipt, or extraordinary expenditure, although he was certain that, by including every one, the result would have been much less favourable to the Company. The extraordinary receipt on the vile monopoly of salt he had given up, which was a panacea for all the extra expenditure.

By the accounts it appeared, that in 1784-5 thirty three lacks of maunds had been sold; and in 1787-8 only twenty-four. Mr. Grant, in a letter to Lord Cornwallis, dated October 1788, expressly declared that the quantity of salt necessary for the ordinary consumption of the country was at least thirty three lacks of maunds. This quantity sold in 1784-5 had produced 74 lacks of rupees; and 24 lacks sold in 1787-8 had produced 117 lacks of rupees. What was this but extorting revenue from the very bowels of the miserable natives, by diminishing the quantity of an article absolutely necessary to their subsistence in order to enhance the price?

It appeared (Mr. Tierney remarked) that when the right honourable gentleman was last year trumpeting forth the surplus of the Company's revenue, and the profits of them, in order to obtain the sanction of Parliament, to enable them to borrow money, they had lost about three hundred thousand pounds by that very trade which was held out as a security for the money they were to borrow.

Having adverted to the comparison of the debts of the East-India Company in 1787, with their debts in 1790, that is, after an interval of three years, and proved there was a decrease of 959,110l. Mr. Tiernay, in conclusion said, that as he had exhibited this statement of the Company's trade and revenue, and progress of their debts, he should not detain the House with any commentary upon it. He challenged any man to point out any material error, either in the principles or the detail of it, and moved that the resolutions be recommitted.

Mr. Dundas. Mr. *Dundas* remarked, that no averment could be more founded in truth than the assertion of the honourable gentleman that he had brought forward a partial statement of the affairs of the Company; because the absolute fact was, that he, from year to year, stated only that part of the East-India Company's affairs, of which he was concerned in superintending the Administration. As the honourable gentleman had not controverted any of the articles he had stated on a former day (Mr. Dundas said) he could do no more than recapitulate, from some figures which he had upon a paper, the various heads of the account upon which he had grounded the resolutions that he had moved, and which had been voted by the Committee; and in so doing he would take it in the way

way stated by Mr. Crawford in his pamphlet, correcting Mr. Crawford's errors as he proceeded. Mr. Dundas then went through his India budget again; *(and to this as reported in the account of a former debate, shall we, for the sake of brevity, beg leave to refer our readers).*

Mr. *Baring* recapitulated the payments made by the East-India Company in the space of the last six years, to prove that they had completely fulfilled their expectations, and could fairly say, that they were better than before by 900,000l. He enumerated the bills drawn for political purposes, the respited duties, and all the various different debts which they had discharged. He could by no means agree with Mr. Dundas, that the Company were answerable for the state of their commercial concerns. So long as a part of their revenues were appropriated to the payment of their debts in India, and withholden from the purchase of their investments, those who had the superintendance of their political affairs, were, in his mind, responsible for their prosperity both abroad and at home. The four millions borrowed, were sunk in the China trade, and therefore could not properly be deemed a debt, there being a stock in hand, and a quantity of capital fluctuating, equal to the amount. Mr. F. Baring.

Major *Scott* said, he rose to reply to an observation of Mr. Tierney's, which had escaped the right honourable and learned gentleman below him (Mr. Dundas). He was sorry that he had mentioned the conduct of the Government of Bengal in such very harsh terms, for the mode of realizing the salt revenue. It had happened most undoubtedly, in one period of the last year, that the price of salt was so high as to be very oppressive to the people; this evil the Government had felt, and had effectually remedied, and by the accounts just received by the Busbridge, it appeared that salt was now gotten down to its proper price; that the season for its manufacture had been exceedingly favourable, and that from the additional quantity now brought to market, the natives would procure it at a reasonable price, while the revenue it yielded to the Company would be kept up to its present amount. He perfectly agreed with his honourable friend (Mr. Baring) that the account delivered in by the direction in 1784, as far as depended upon them, had been more than accomplished. The Major said, that when he had ventured to predict in 1784, that when the peace establishment was formed in Bengal, there would be an available surplus of 150 lacks of rupees, he was accused of being too sanguine, but the surplus was actually more than 200 lacks of rupees; and he earnestly implored gentlemen to cast their eyes upon the papers before the House, and they would find that the receipts for ten years past had been so equal as to have no apprehen- Maj. Scott

apprehension of a failure in future, for if there was any difference, it was this, that the revenue had rather increased than diminished. The expences of Bengal had been brought within the sum he had calculated, though he was sorry to say, that in the other settlements, they had far exceeded what he conceived their amount ought to be. Major Scott added, that as this might probably be the last time he should have occasion to speak upon an India Budget in the present Parliament, he most earnestly and seriously conjure the House to consider the very extraordinary situation in which they stood. They were now for a fourth time going to enter upon their journals a variety of resolutions, to the truth of which he most heartily concurred; but at the same time, the House knew that they were directly contradictory to other resolutions now upon their journals relative to India. Both could not be true. If what they had voted the preceding years, and were now about to vote, were both true, then what the House had voted upon another occasion (meaning the articles of impeachment) must be totally false, because the one described the country to be flourishing and the revenue increasing—the other, that it was desolated and ruined, and that the present system was attended with great loss and damage to the revenue of Bengal. The Major said he would press the subject no farther, but it was for the House to consider, how it was consistent with their dignity, that resolutions, the one so palpably contradicting the other, should both be suffered to remain upon their journals.

Sir Grey Cooper.

Sir *Grey Cooper* rising next, observed, that it was not his intention to go further into the question of the actual and real state and condition of the Company's affairs at home and abroad. But he had a matter to submit to the consideration of the House, which he conceived to be of very considerable importance, and which would prove a test, whether the Company has, or has not, a clear available surplus, on the balance of their revenues and trade, compared with their charges and expenditure. An act of Parliament was passed in 1783, ch. 83, impowering the Lords of the Treasury to issue Exchequer bills to the amount of 300,000l. to be advanced to the Directors of the East-India Company, to enable them to pay certain debts and demands upon them at that time. By the 2d sect. of the said act, the monies so raised, with all interest thereon, are charged, and shall be repaid and borne by and out of the monies to be paid by the said Company, in the manner directed by the said act, and if not paid before the 5th of April, 1786, to be charged on the next parliamentary aids; and if supplies be not granted for that purpose before the 5th of April 1786, they shall be charged on the sinking fund till redeemed. By sect. 8, of the

the said act, "the whole clear profits of the territorial revenues in India and of the trade of the Company, shall be applied in the first place to the diminution of payment of the debts specified in the said act due to His Majesty, and afterwards in diminution and payment of the said sum of 300,000l. together with all interest and charges thereon." The debts to His Majesty have all been discharged. It is now contended by the right honourable gentleman, that there is a considerable surplus resulting to the Company from the aggregate profit of their revenue and trade, and it appears, that in March, 1789, 300,000l. was paid into the Exchequer, stated to be on account of monies due to Government for the forces and ships in India; and in March, 1790, 200,000l. more on the said account. Sir Grey Cooper asserted, that this was a gross and direct breach of the appropriation of the surplus directed by the act of Parliament, and by which the order of payment was marshalled in the manner certainly the most beneficial for the Public. It might, he said, be material to observe, that in the estimate of receipts and payments, from the 1st of March 1789, to the 1st of March 1790, one of the articles of the destined payment of it was to be Exchequer bills 300,000l. That payment was not made; but the cause of its being intercepted, was not difficult to be accounted for. The cancelling of the Exchequer bills, and the redemption of the debt due to the Bank, would only have been a good public measure, but it would have operated merely by extinguishment of debt, whereas the payment of 300,000l. for arrears of money due on account of the forces and ships, in March 1789, and 200,000l. in March 1790, helped to carry through the income of both those years, and to assist the fallacy on the public, but he conceived that the measure was in direct contradiction to the plain and anxious directions of the act of 1783, both on the part of the East-India Company and of the Treasury.

Mr. Sheridan.

Mr *Sheridan* expressed himself astonished at the declaration of the right honourable and learned gentleman, that he did not hold himself accountable to the House for the whole state of the Company's affairs. The right honourable and learned gentleman, he conceived, had not in this declaration done himself quite justice, because he held in his hand a speech of the right honourable and learned gentleman, which he could rely on, as it was too correct for a newspaper report, though those reports were frequently very accurate. In fact (Mr. Sheridan said) he took the speech to have been furnished by the right honourable gentleman himself, and a few printed for the use of his friends. He had, however the good fortune to procure a copy: he then read a

paragraph from the printed ſpeech in queſtion, in which Mr. Dundas ſtated, "whenever any perſon came forward, as he "then did, to move for leave to bring in a bill enabling the "Company to encreaſe their capital by the loan of a mil- "lion, he was bound to ſtate their entire ſituation," and yet (obſerved Mr. Sheridan) notwithſtanding the excellent "doctrine, contained in the paragraph I have read, the right honourable gentleman now ſays, "I ſhew you only "part of the queſtion, and this ſhall be the political ſtate of "the Company's concerns." Mr. Sheridan inſiſted, that the Houſe had not a fair account, unleſs they had an account of the commercial as well as of the territorial affairs of the Company. Mr. Sheridan took notice of a part of Mr. Baring's ſpeech, who had aſked rather ironically, if Mr. Tiernay's repreſentations were juſt, whether the Company ought not to come to Government and beg them either to ſuffer the Company to give up their charter, or to allow them a premium for carrying on a diſadvantageous trade? That irony might ſound well, and it might be true that the trade was a diſadvantageous trade; but nevertheleſs there were reaſons which might make it worth the Company's while to carry on a loſing trade. The hon urable gentleman, he obſerved, had ſaid, that the four millions which the Company had borrowed, were ſunk in the China trade, and therefore he conſidered it as no debt; that being the caſe, (Mr. Sheridan ſaid) he wiſhed to know whether the tea trade had been a profitable or a diſadvantageous branch of commerce? and as they were to have a diſcuſſion on the ſubject of the Commutation act previouſly to the concluſion of the ſeſſion, he ſhould poſtpone until that approaching period, his remarks upon the ſubject.

Mr. Pitt. Mr. Chancellor *Pitt* conſidered the motion as deſigned merely to become the vehicle for the general obſervations made by the honourable gentleman, rather than the occaſion called for any grave remark to ſhew that the reſolutions contained in the Report ought to be re committed. His right honourable and learned friend had, for ſome years paſt, ſet himſelf the taſk of bringing forward the ſtate of the Company's affairs abroad, in order to ſhew the Houſe how their debt and their finances went on in India; and in ſo doing, he had acted in a manner peculiarly proper, conſidering the ſituation in which his right honourable and learned friend ſtood, and conſidering that the political ſtate of affairs in India, (connected as India was with regard to this country) were blended and involved with the general political intereſts of the Britiſh empire, and as ſuch it became neceſſarily as much a duty every year to lay before Parliament an account

of

of the income and expenditure, with all the relative circumſtances of our finances in India, as it indiſputably was for a perſon holding the office, in which he had the honour to be placed, to make known to the Houſe the ſituation of out own finances. The honourable gentleman, however, ſaid, that there had been an occaſion, in which his right honourable and learned friend had thought it neceſſary to ſtate the whole of the Company's affairs, commercial as well as political. Certainly there had occurred ſuch an occaſion; but what had been the reaſon? Why, his right honourable and learned friend at that moment wiſhed to perſuade the Houſe to grant leave for him to bring in a bill, enabling a trading company to borrow money with the authority of Parliament; it was neceſſary, therefore, on ſuch an occaſion, to lay before the Houſe a compleat view of the Company's affairs, and to ſtate their accounts of all kinds, ſo as to render it impoſſible to eſcape detection, if thoſe who were likely to advance the money would not be in a ſtate of perfect ſecurity. With regard to the honourable gentleman who had made the motion, how did he ſtate the accounts of the Company's affairs abroad? On the average of an annual revenue?—Directly the contrary. He had ſtated an average of five years, then of four, and then of three, taking in years perfectly diſſimilar, conſequently inapplicable to ſuch a compariſon, and ſuch years as were extraordinarily heavy, becauſe in thoſe years the war expences were paid off, which being once paid off, would not ſwell the amount of future and ſucceeding years. The Chancellor of the Exchequer ſaid, that he ſhould have thought his right honourable and learned friend's the moſt diſtinct way, viz. when he ſtated the ſurplus as reſulting from the actual expence of the year. Having made this remark, he ran through the amount of the Receipts and Sales, as follows:

		£.
Total of Receipts in India — —		6,930,000
Total of ſales at home in 1789, 1790, including private trade, &c. — —		4,834,000
		11,664,000
Total diſburſements abroad, including intereſt —	5,556,000	
Coſts and charges of goods at home	4,354,000	9,910,000
Which makes the Surplus, according to Caſh Eſtimate — — —		1,854,000
From which deduct intereſt, annuities, and		dividends,

dividends, payable at home, amounting in 1789, 1790, to — — — 541,000

There would remain a net surplus, applicable to the reduction of debts, amounting to 1,313,000

But as the dividends, &c. in consequence of the increased capital, amounts now to 770,000l. instead of 541,000l. there will remain an annual net surplus applicable to the reduction of debt amounting to 1,033,000l.

Mr. Greville. Mr. *Greville* returned his thanks to Mr. Dundas for the readiness with which he had obtained the papers he had called for. These papers had, he said, proved useful to him; but so long as the accounts continued to be made up to different periods, it would be impossible to come at the precise state of the Company's affairs abroad. He, for one, was so far from looking on the monopoly of salt with horror, that he considered Government's holding the monopoly as a protection of the natives against the combination of the merchants. He meant not to impute blame to Lord Cornwallis, nor detract from his acknowledged merit; but he thought that suffering the Zemindars to collect the land revenues was wrong.

Mr. Francis. Mr. *Francis* said, he should not have risen, perhaps, in that debate, but for something that had fallen from the honourable gentleman who had just sat down. Much of what the honourable gentleman had said, he did not really understand; but there had been stated by him one or two propositions which he did clearly comprehend, and which he had heard with a degree of abhorrence. The honourable gentleman had been pleased to commend the Government of Bengal for retaining the monopoly of salt, and had said, it was a protection to the people against a combination of merchants. Mr. Francis was astonished that any honourable gentleman could venture such a proposition; our Government in India was an arbitrary one; and was a monopoly in the hands of an arbitrary government to be deemed a protection of the people? He declared, such a proposition was directly contrary to common sense. He should have thought the best way of protecting them, would have been to have left the trade open, to have suffered the merchants to buy and sell salt, and to have encouraged a competition, from which alone the reduction of the price was to be expected. Another point the honourable gentleman had spoken to, which was equally extraordinary; which was respecting the rights of the Zemindars. The Zemindars, the honourable gentleman had said, were not to be trusted with their lands, and the collection of their own rents. And for what

reason

reason were these privileges to be withholden from them? Why, because we had reduced the Zemindars to a poor and abject state by our tyrrany, and deprived them of almost every other right. Mr. Francis reprobated this doctrine, and more especially the principle that had been set up for its justification. He next observed, that the honourable gentleman had alluded to a book, which he had said he wished to have printed (Mr. Grant's book.) That book, Mr. Francis declared, required the utmost vigour of the human mind to read it. He had read it, and hoped it would be read by others; but he much doubted their resolution to go through it. He considered it as one of the greatest efforts of his life to have gone through it; and nothing but the most determined resolution and unabating perseverance could have enabled him to surmount the difficulty. He feared, therefore, that but few gentlemen belonging to that House would derive much information from it. Having taken so much notice of what had fallen from Mr. Greville, Mr. Francis said he would make an observation or two then, which he had intended to have submitted to the House before, when the House was in a Committee on the finances of India. There was a time, he must remark when the monopoly granted to the Company was very profitable, and when the Company anxiously took pains to keep their trade in their own hands exclusively; but the case was now different, as he could easily prove, by reading an advertisement from the Calcutta Gazette. Mr. Francis accordingly read the following advertisement:

"Fort William, Public department, Dec. 23, 1788.

"The Governor General, in Council, has ordered notice "to be given to the several persons who have tendered pri- "vate freight in the Hon. Company's ships, in consequence "of the advertisement dated the 5th instant, that their offers "are severally accepted, and that tonnage will be provided "for the goods, either in the Phœnix or Northumberland, "as this may be settled by the Board of Trade, who will "determine it immediately. And as vacant tonnage will "yet remain in the two ships already mentioned, after "stowing the goods which have been offered, any farther "tenders made to this office, on or before the 10th of next "month will be accepted, as far as the unemployed tonnage "will allow, the same exception, as in the last advertise- "ment, being made to raw silk.

"ED. HAY, Secretary to the Government.",

Mr. Francis next read an advertisement from the East-India House of December 1789, as follows:

"East-

"East-India House, Dec. 2, 1789.

"ADVERTISEMENT

"To allow the Company's servants, and merchants residing under the Company's protection in India, to fill up such homeward tonnage as may be unoccupied by the Company, at a reasonable freight."

This advertisement he followed by reading the subsequent

"Extract of an Account, signed W. Richardson, and dated East-India House, July 8, 1789.

"Less received for Company's goods sold from the 1st of March 1788, to 1st March 1789, owing to the revenues of India not being equal to supply the goods from Bengal and Madras as promised, 602,114."

The two first of these documents shewed, that in effect the Company had renounced their monopoly, and laid open their exclusive trade as no longer practicable or beneficial. The third shewed the reason of it. How different their sentiments on this subject were in the year 1775, would appear by their orders of that date.

"Extract of a letter from the Court of Directors to the Governor General and Council of Bengal, dated 3d of March 1775.

"We hereby direct, that all persons whatsoever, in the Company's service, or under our protection, be absolutely prohibited by public advertisement from trading in any of those articles, which compose our investment, directly or indirectly, except on account of, or for the East-India Company, until their investment is completed."

At that period, it was deemed little less than treason against the Company for any individual to deal in the same articles with them. Now, they not only permitted private persons to trade in competition with themselves, but took up more ships than they wanted, in order that there might be surplus tonnage to accommodate the private traders at a reasonable freight. Mr. Francis said, if the Company thought that by accommodating private traders with taking their freight on board their ships, they should be able to pay themselves for taking up such large ships, he believed they would find themselves mistaken.

Mr. Tierney. Mr. *Tierney*, adverting to the Chancellor of the Exchequer's declaration, that the motion appeared to him to have been made rather as the vehicle of the honourable gentleman's argument, than with any serious wish to have the report re-committed, declared, that he did most seriously wish that the report might be re-committed, in order to afford

ford an opportunity of examining the grounds of what he had ſtated, and if upon inquiry it ſhould be found that he had committed no error, to ſhape the reſolutions accordingly. With regard to the right honourable gentleman oppoſite to him, [Mr. Dundas] it appeared that he had ſpent the preceding day in preparing himſelf to anſwer ſuch objections as he imagined he [Mr. Tierney] was likely to urge. But as it happened that he had not urged any one of thoſe objections, the right honourable gentleman had been anſwering Mr. Crawford's book, inſtead of him. As Mr. Crawford, however, was perfectly able to defend himſelf, Mr. Tierney ſaid, there was no occaſion for him to take that trouble. A right honourable gentleman, the Chancellor of the Exchequer, Mr. Tierney added, had charged him with reſting on an average of five years, whereas he had done no ſuch thing, becauſe that would have been unfair. He had reſted on an average of three years, and that, he contended, was perfectly fair. As to the right honourable and learned gentleman's ſtatements, he had not denied one of them, but had taken them into his own average, and reſted his average upon them entirely. Mr. Tierney repeated it, that the ſalt buſineſs was an iniquitous proceeding, big with miſery to the people, on the one ſide, and on the other, of no advantage to the Company. Not one ſyllable of what he edvanced had been denied; but it was aſked where did he pick out the items? In anſwer to which, he had to ſay, that he picked them out from the papers on the table, and if the report were committed, he would ſhew from whence he took each particular. Mr. Tierney produced an account made up by Mr. Larkins, the Accountant General at Bengal, upon which he reaſoned for ſome time, with a view to throw it into ridicule. He ſaid, there were no leſs than ſeven parentheſes in ſix lines, and, where the full-point was he could not diſcover In that paper Mr. Larkins ſtated a conſequence as ſomething which he thought might happen; that poſſibility, a learned and right honorable gentleman (Mr. Dundas) he ſaid, had changed into a certainty, and taken for granted. Mr. Tierney, in order to ſhew how looſely the papers from the Eaſt India Houſe were made up, declared, that he had taken the trouble to go to Mr. Richardſon, to aſk why he had valued the Bohea Tea in hand at 1s. 7d. per pound, and his anſwer was, "becauſe it ſold at that price in the laſt ſales." He contended that accounts made up on principles ſo wild, and in a method ſo vague, could furniſh no concluſion to be depended upon. After a variety of different obſervations in the nature of replies, Mr. Tierney brought his ſpeech to an end by aſking whether any perſon had ſaid that the figures which he had mentioned were erroneous? as no perſon had,

he

he would again assert, that, upon an average of three years, the general amount of the surplus was no more than one million eight hundred thousand pounds, and that the Company's trade had yielded no more profit on an average of those years than 500,000l.

Mr. Sheridan. Mr. *Sheridan* rose to intreat the House, and especially of the right honourable gentleman opposite to him, seriously to attend to the act of 1783, enabling the Treasury to assist the East India Company by suffering them to raise money on Exchequer Bills for 300,000 l. It appeared to him (Mr. Sheridan said) that the right honourable gentleman and the Lords of the Treasury had acted in direct violation of the law. He explained this by shewing, that the conditions of the bill expressly were, that the company were to repay the money before they appropriated any of their receipts to other purposes; whereas the right honourable gentleman had suffered the company to pay off part of their debt claimed by government, (but not acknowledged by the company) and had let them evade the payment of the money raised under the act in question. Now, as that act gave the right honourable gentleman and the Lords of the Treasury no discretionary powers respecting the debt, he could not but consider it as a collusion on the part of the right honourable gentleman, in order to swell the yearly amount of his budget. He desired, therefore, to ask by what authority the right honourable gentleman had continued to countenance such a collusion?

Mr. Pitt. Mr. Chancellor *Pitt* said, he was not prepared to answer that question, nor could he from sudden recollection declare, whether any subsequent act of parliament had given the Treasury any discretionary authority or not. He would allow that the question was important, and if the honourable gentleman thought it a matter fit for separate discussion, he would be ready to meet it whenever it should be brought forward, certainly conceiving that the present was, by no means, a proper time for such a discussion.

Mr. Sheridan. Mr. *Sheridan* observed that one reason why he urged it then was, that the debt had been inserted, year after year, in the statement of the company's accounts

Mr. Pitt. Mr. Chancellor *Pitt* answered, that if there was any collusion on either side, it was rather extraordinary that the debt should have been publicly stated year after year.

Mr. Sheridan. Mr. *Sheridan* replied that it was true, that the debt was stated, but always crossed out of the account, before the account had been presented to the house.

Mr. Baring. Mr. *Baring* declared that he really did not recollect how the matter of the Exchequer bills stood,

At length the question was put "that the report be re-"committed," when it was negatived. The resolutions were then read a second time and agreed to.

The House adjourned.

Tuesday, 4th May.

The order of the day for the commitment of the duke of Athol's bill being read,

Mr. Chancellor *Pitt* rising, observed that, notwithstanding his full conviction of the propriety and even necessity of proceeding with such a measure, yet, after the unfavourable impression which had gained ground upon the subject, he should think it in no degree prudent to attempt to push the bill farther at present, and therefore he meant to move, "that the bill be committed for that day three months." After this intimation, it would be idle in him to go into any length of discussion upon the subject; it was due, however, to the noble Duke (of Athol) that he should declare, that notwithstanding the impression which had evidently been made on the minds of gentlemen respecting his claim, he was sincerely of the opinion respecting it, which he had before delivered to the House, and he would shortly state the principles on which that opinion was grounded. He thought from motives of justice, that the noble Duke was entitled to an enquiry into the fact, whether the bargain made with his ancestors was a fair one or not, and whether the compensation had been commensurate with the value of the rights and property at that time alienated from the noble family to the public. If upon examination it should appear that the noble Duke had not received a full compensation, he thought it was due from the Legislature, for its own honour and credit, that a full compensation should be made to his family; but, at the same time, exclusive of the distant period at which the transaction took place, and all the argument which could be built on that circumstance, he was ready to admit, that, before Parliament ought to listen to the idea of a farther compensation, the noble Duke was bound to make it appear in the most evident and unanswerable manner, that the compensation given, was not, by any means adequate; and, even then, the noble duke's claim would not be a claim of right, indeed, scarcely a claim of justice; but, undoubtedly, a claim on the munificence and liberality of Parliament, governed by the extent which he had just described. Another point was, that if in the haste of concluding the bargain, certain rights inherent in the Duke of Athol, and in no wise connected with the object, which government had in view, when they determined on the purchase, had been transferred to the public, and could be made Mr. Pitt.

out, no lapse of time ought, in his mind, to bar the Duke of Athol's claim to a re-possession of those rights. A third consideration (and a very material one) was the inconvenience the inhabitants of the Isle of Man themselves laboured under, in consequence of certain rights remaining in an unsettled and disputed state. That circumstance evidently called for examination, and required decision; but, if upon enquiry, it should be found that some of the rights in question clearly belonged to the Duke of Athol, yet, nevertheless, were, from their nature, such, that they could not be restored to the noble Duke without subjecting the inhabitants of the island to oppression and inconvenience, he should be of opinion, that satisfaction ought to be made to the noble Duke in lieu of a restoration of those rights; because, possessing, as the British Legislature did, the sovereignty of the island, Government was bound to extend their protection to the inhabitants in as ample a manner as it was extended to any other description of British subjects, and to see that no injustice should be done to the feelings or property of the Isle, thus uniting at once their duty to the inhabitants, and their determination to keep faith with the noble Duke. The Chancellor of the Exchequer concluded with moving, "that "the bill be committed for that day three months."

Mr. Curwen

Mr. *Curwen* having premised that the right honourable gentleman had rested his motion solely on the unfavourable impression that had obtained respecting the claims of the noble Duke, declared that neither he, nor any other gentleman interested in the property or freedom of the Isle of Man, had made their opposition on that ground, but merely on motives of justice, and a consideration of what was due to the inhabitants of that island.

The question was carried, and the House adjourned.

Wednesday, 5th May.

Mr. Pitt.

Mr. Chancellor *Pitt* delivered to the House his Majesty's message

GEORGE REX.

"His Majesty has received information that two vessels "belonging to his Majesty's subjects, and navigated under "the British flag, and two others, of which the description is not sufficiently ascertained, have been captured at "Nootka Sound, on the North-western Coast of America, "by an officer commanding two Spanish ships of war; that "the cargo of the British vessels have been seized, and their "officers and crews have been sent as prisoners to a Spanish "port.

"The capture of one of these vessels had before been notified by the Ambassador of his Catholic Majesty by order "of

" of his court, who at the ſame time deſired that meaſures " might be taken for preventing his Majeſty's ſubjects from " frequenting thoſe coaſts, which were alledged to have " been previouſly occupied and frequented by the ſubjects " of Spain. Complaints were alſo made of the fiſheries, " carried on by his Majeſty's ſubjects, in the ſeas adjoining " to the Spaniſh continent, as being contrary to the rights " of the crown of Spain. In conſequence of this line of " communication, a demand was immediately made by his " Majeſty's order, for adequate ſatisfaction, and for reſtitu- " tion of the veſſels previous to any other diſcuſſion.

" By the anſwer from the court of Spain, it appears, that " theſe veſſels and their crews had been ſet at liberty by the " Viceroy of Mexico, but this is repreſented to have been " done by him, on the ſuppoſition that nothing but the " ignorance of the rights of Spain had encouraged the indi- " viduals of other nations to come to thoſe coaſts, for the " purpoſe of making eſtabliſhments for carrying on trade, " and in conformity to his previous inſtructions requeſting " him to ſhew all poſſible regard to the Britiſh nation. No " ſatisfaction was made or offered, and a direct claim was " aſſerted by the court of Spain to the excluſive rights of " ſovereignty, navigation, and commerce, in the territo- " ries and coaſts in that part of the world and ſeas.

" His Majeſty has now directed his Miniſter at Madrid " to make a freſh repreſentation on this ſubject, and to " claim ſuch full and adequate ſatisfaction as the nature of " the caſe evidently requires; and under theſe circum- " ſtances, his Majeſty having alſo received information, that " conſiderable armaments are carrying on in the ports of " Spain, has judged it indiſpenſably neceſſary to give orders " to make ſuch preparations as may put it in his Majeſty's " power to act with vigour and effect, in ſupport of the " honour of his crown and the intereſts of his people: and " his Majeſty recommends it to his faithful Commons, on " whoſe zeal and public ſpirit he has the moſt perfect re- " liance, to enable him to take ſuch meaſures, and to make " ſuch augmentation of his forces, as may be eventually " neceſſary for this purpoſe.

" It is his Majeſty's earneſt wiſh, that the juſtice of his " Majeſty's demands may enſure, from the wiſdom and " equity of his Catholic Majeſty, the ſatisfaction which " is ſo unqueſtionably due; and that this affair may be ter- " minated in ſuch a manner as to prevent any grounds of " miſunderſtanding in future, and to continue and confirm " that harmony and friendſhip which has ſo happily ſub- " ſiſted between the two courts, and which his Majeſty " will always endeavour to maintain and improve, by all

" ſuch means as are conſiſtent with the dignity of His Ma-
" jeſty's crown, and the eſſential intereſts of his ſubjects.

G. R."

The meſſage was read by the Speaker, the Members ſtanding uncovered.

Ordered (upon the motion of Mr. Pitt) that the meſſage be taken into conſideration upon the morrow.

Mr. Fox. Mr. *Fox* obſerved that, in conſequence of the motion which had juſt paſſed, he ſhould remain ſilent for the preſent, though very important obſervations had occurred to him, and muſt have ariſen in the minds of many gentlemen on the ſubject, comparing it with circumſtances which had taken place in the courſe of the laſt and the preſent ſeſſion of Parliament. He would, however, for the reaſon already aſſigned, defer the obſervations he meant to offer till the next day: not doubting, in the mean time, that there would be a common feeling in the Houſe to ſupport his Majeſty in maintaining the honour of his crown and the intereſts of his people, he ſhould reſerve the delivery of his ſentiments until their next meeting.

The Houſe adjourned.

Thurſday, 6th May.

The order of the day being read for taking into conſideration His Majeſty's meſſage,

The Speaker read His Majeſty's meſſage from the chair.

Mr. Pitt. Mr. Chancellor *Pitt* riſing, remarked that, howſoever natural it might be to look with concern upon the circumſtances ſtated in His Majeſty's meſſage, and all the future poſſible occurrences to which it might lead, he conceived that he ſhould not do juſtice to the feelings and public ſpirit of that Houſe, if he entertained, for a moment, an idea that there could ariſe any difference of opinion as to the meaſures which ſuch circumſtances would make it neceſſary to adopt. There was no occaſion for him to enlarge upon the facts ſtated in His Majeſty's meſſage; the bare mention of them (he was perſuaded) would prove ſufficient to induce the Houſe to give their concurrence (and he ſhould hope, their unanimous concurrence) to the motion with which he ſhould have the honour to conclude. Theſe facts were: firſt, they knew that ſome of His Majeſty's ſubjects had been forcibly interrupted in a trade which they had carried on, for years, without moleſtation, in parts of America where they had an incontrovertible right of trading, and in places to which no country could claim an excluſive right of commerce and navigation. They knew that this interruption had been made by a ſeizure of a ſhip's cargo and company without any previous notice, and in a moment of profound peace.

They

They knew that the officers and crew had been sent as prisoners of war to a Spanish port, without the pretence of any regular jurisdiction, or without even having gone through the forms of condemnation uniformly resorted to in cases of prize at a time of general hostility. He wished to abstain from using any words of aggravation, but, the bare mention of the facts which he had stated, must be sufficient to induce a British House of Commons to demand adequate satisfaction for the injury done to their fellow subjects, and to resent the indignity offered to the British flag. They, knew, likewise, that, on a representation to the court of Madrid, His Majesty's Ministers had been informed that one vessel had been restored, but that no satisfaction had been made; on the contrary, the restoration was accompanied by a claim on the part of the court of Spain, the most absurd and exorbitant which could well be imagined; a claim which they had never heard of before, which was indefinite in its extent, and which originated in no treaty, or formal establishment of a colony, nor rested on any one of those grounds on which claims of sovereignty, navigation, and commerce, usually rested. If that claim were given way to, it must deprive this country of the means of extending its navigation and fishery in the Southern Ocean, and would go towards excluding His Majesty's subjects from an infant trade, the future extension of which could not but prove essentially beneficial to the commercial interests of Great Britain. Material, indeed, were the disadvantages which Great Britain would suffer, should the exorbitant claim set up by the court of Spain be complied with; and thence arose the necessity of the House meeting it as they ought to do, for the purpose of understanding definitely and distinctly what they were to expect from other nations on points so essential to the dignity of His Majesty's Crown and the interests of British subjects. It was, therefore, necessary for that House, by granting His Majesty an additional force, to enable His Majesty to act with vigour, and effectually to secure the honour of his crown, and the safety, happiness, and prosperity of his people. He hoped, however, that it might not be ultimately necessary to use the force hostilely, but that it would enable His Majesty's Ministers to obtain what the people would expect, such an honourable reparation and satisfaction as would prove ample, on the one hand, and, on the other, lead to such an explanation as should be most likely to produce an amicable termination of the dispute, and render the continuance of tranquillity permanent. Heartily must they all rejoice, if, by the moderation and prudence of the court of Spain a contest should be avoided. No man (he declared) would more re-

gret

gret the day of even a temporary interruption of peace, than he should; but he must ill deserve the situation in which he stood, and disgrace the character of a Member of Parliament and a subject of Great Britain, if, however anxious he was for a preservation of the blessings of peace, he did not resist the exorbitant claim set up by the court of Spain, and, at any risque, recommend a vigorous preparation for war, with a view, at all hazards, to assert our rights and to obtain complete satisfaction for the injury sustained, and the insult offered to His Majesty's Crown. If justice was not done them by others, they must endeavour to do justice for themselves. The King (he was confident) would meet the unanimity of a loyal, a generous, and a brave nation, with the most vigorous exertions.

In conclusion Mr. Pitt moved,

"That an humble Address be presented to His Majesty, "to return His Majesty the thanks of this House, for his "most gracious message, acquainting this House of those "circumstances relative to the capture of British vessels on "the North-western Coast of America, and to the conduct "of the Court of Spain on this occasion, which have in- "duced His Majesty to give orders for making such prepa- "rations as may put it in His Majesty's power to act with "vigour and effect in support of the honour of His Ma- "jesty's Crown, and of the interests of his people; and to "assure His Majesty, that we shall readily proceed to en- "able His Majesty to take such measures, and to make such "augmentation of His Majesty's forces, as may eventu- "ally be necessary on this occasion.

"That we trust that the justice of His Majesty's de- "mands will ensure, from the wisdom and equity of his Ca- "tholic Majesty, the satisfaction which is so unquestion- "ably due to His Majesty; and that we shall sincerely re- "joice in such a termination of the discussions now depend- "ing, as may prevent any grounds of misunderstanding in "future, and may continue and confirm that harmony and "friendship which has happily subsisted between Great Bri- "tain and Spain; but that we, at the same time, feel it our "indispensable duty to assure His Majesty of the determi- "nation of his faithful Commons, to afford His Majesty the "most zealous and effectual support in such measures as "may become requisite for maintaining the dignity of His "Majesty's Crown, and the essential interests of his Ma- "jesty's dominions."

Mr. Secretary Grenville seconded the motion.

Mr. Fox. Mr. *Fox* declared, that no member within the House could be more sensible than he was of the disadvantage, at the same time that he could not resist the temptation of declaring that

he heartily concurred with the motion, of rising to state some observations on the situation in which we now stood. No man felt more strongly the necessity of arming than he did. No man felt a warmer resentment at the unprovoked aggression of the Court of Spain. He thought that there could not arise a doubt of the necessity of an immediate and a vigorous armament, and he conceived with the right honourable gentleman, that it was probable that this armament might produce its effect without proceeding to the extreme of war, and that the absurd claim of the Court of Spain (which the right honourable gentleman had so forcibly described, that he would not weaken that description, by attempting to add to it,) might be put an end to, but he wished that the message had told them more than it did. They ought to have known what the (afterwards captured) ships were doing, or intended to do; whether they were about to make an establishment, or whether Spain knew that we were about to make an establishment. It was a question with him, whether or not the event which had happened, and the facts stated, were not such as might have been foreseen or prevented. The House had now been given to understand, that the vessels were seized without any preliminary notice; had such notice however been given, it would have made no difference in his vote on that day, convinced as he was, that there could not be a single man in that House, or in the country, but must see the necessity for a vigorous armament. This country certainly could have had no reason to have expected an act of hostility from any quarter, a few days back, when from every appearance, we were led to look for a long and an uninterrupted peace; that prospect, at least for the present, was gone; and in its stead there was much matter of serious concern; for however favourable a war at its commencement might appear, it was impossible to foretell its ultimate consequences. He had not, in the whole course of his life, been used to speak with despondency of the resources of the country, but he did not think it fair, in a matter of great serious concern, to pass it over and take no notice of it, at a moment when the occasion seemed necessarily to require that it should be mentioned. It was now scarcely a fortnight since the Minister of this country pointed out to the House the prosperity and flourishing state of the finances, and in no part of his speech did he seem more confident, than in the assurances he gave the House of the prospect of peace's continuing. On first hearing the message, it struck him as an instance of the uncertainty of human wisdom, and the mutability of human affairs, when he observed a gentleman at the head of the administration of this country, and of great talents, one day pointing

pointing out the increasing resources and the great probability of a continuance of peace, and in a fortnight afterwards, coming down to that House and telling them that they must prepare for war. Viewed in another manner, it gave rise to different suggestions. When the right honourable gentleman was vaunting of the resources of this country, he knew that Spain had, without a colour of pretence, seized British ships, made prisoners of the crews, and confiscated the property in the vessels. The right honourable gentleman knew these facts from the Spanish Ambassador, who had communicated them in a deliberate and premeditated message on the part of his Court. Where was the difference between matters now and matters three weeks since? There did exist (Mr. Fox said) a distinction, and he would state what it was, and wherein it consisted. Let them compare the two situations. Not three weeks since, they were told of the great probability of a continuance of peace, but now they were told, not indeed of the certainty of war, but of the probability of war. They now knew that the ships had been seized; they knew that before. They now knew, that the officers had been sent to a Spanish port prisoners of war; they knew that distinctly before. He understood that the Spanish ambassador had not only stated the capture, but accompanied it with a complaint and a requisition, that His Majesty would not suffer his subjects to trade on those coasts, and fish in the southern ocean. We now know that Spain was carrying on great armaments; we knew that at the former period also. Every particular that he had stated His Majesty's Ministers knew when they were exulting on the prospect of peace. That they should be obliged to go to war, he admitted might, and he hoped would, be otherwise. He hoped that when they had armed, Spain would in some measure retract; but what did they now know, which they did not know a fortnight since, in consequence of a premeditated message by authority from the Spanish Ambassador's Court? He hoped that the Court of Spain would retract, from principles of justice and prudence, because they had made their claim without justice, and advanced it without prudence. He was one of those, who at the moment of the Minister's exultation, had for months, known the encrease of the Spanish armament. The right honourable gentleman had better opportunities of knowing what the extent of the armament was, than he could pretend to; and when Spain was arming, it was not very reasonable to think that we should be long at peace. He owned he did not see the necessity for the Minister to go out of his way in opening the state of the finances, to introduce assurances of continuance of peace; it must take away from that security and happiness

ness into which the public were lulled, when they were informed, from the Throne, that those assurances were groundless. When the Lottery was talked of in a late debate, he recollected that an honourable friend of his complained that the Minister was an auctioneer; he complained that at the moment in question, the Minister was acting the part of an auctioneer, throughout, by puffing and praising the prospect of peace, when there was in reality a great probability of a speedy war. He always thought it injudicious that this country, in making the last peace, had stipulated with one branch of the House of Bourbon (with France) that the two countries should respectively reduce their marine force to a certain point, and not stipulate in like manner with Spain, because it was obvious that all the danger to be dreaded, might still fall upon us, it being competent to the other branch of the House of Bourbon to arm to whatever extent she thought proper, and he would ask His Majesty's Ministers, whether Spain had not continued in an armed state, and been increasing her armament ever since that period? When the peace was in negociation, he had heard that the Empress of Russia solicited to have the same favour shewn to her which had been shewn to France, with regard to letting the French flag give protection to property not belonging to France, so long as we were not at war with France. It was answered to Russia, that it could not be done. When it was asked, "why will you not unite with "a power you call your friend, when you unite with your "natural enemy?" The answer was, "It was for that very "reason. We think France most likely to take part against "us whenever we are engaged in a war, but we consider "you as more likely to remain a neutral power." Mr. Fox reasoned upon this point, and at length came to consider the claim of the Court of Spain, declaring that this Court had often set up claims equally unjust and unreasonable. He conceived the whole exploded claim of the Pope's demarkation to be wholly set aside, and that the discovery of any place, and making it the possession of this or that King by setting up a cross, or any other token of having been there, was equally exploded. In fact, occupancy and possession, should be considered as the only right and title. He remembered, that in the late convention with Spain, there had been much negociation about the Musquito Shore, the claim to which on the part of the Court of Madrid he considered as one of those rights which he had stated as exploded, and he declared that he never had understood the policy of our giving up that point without some compensation, unless it had led to an ultimate adjustment of the rights of Spain in all similar respects. So far from this being the case, it led

only to encourage thofe claims in Spain, which he confidered as contemptible. Mr. Fox read that part of the meffage and addrefs, which referred to explaining the grounds of mifunderftanding, and obferved that the paffage gave him particular pleafure, becaufe there obvioufly might be two pacific ends to the meafure. There might be an adequate fatisfaction made without arrangements to prevent fuch evils in future, whereas he was clearly of opinion that the point was not the mere capture of the fhips, but the great and important point of the definition of the claims of the Court of Spain in refpect to America and the fouthern ocean. He therefore hoped that we fhould not reft contented merely with a fatisfaction for the injury, but obtain a renunciation of the claim fet up with fo little ground of reafon; and that he conceived to be the intent and meaning of His Majefty's meffage; and on that idea, he heartily gave his vote for the addrefs. As to the other topic, the difappointment of this country as to its fituation, he hoped that it would prove a leffon to his Majefty's Minifters for the future, not to be too fanguine in their expectations of the permanency of peace, when they were, in fact, on the eve of a war. The extravagance of the hopes holden out by Minifters, added to the difappointment, the alarm, and the fears of the public, when they fuddenly found thofe hopes falfified. Had not fuch fallacious hopes been excited, he trufted that His Majefty's Meffage would not have had the effect on the Public funds, and the minds of men, which it had produced.

Mr. Pitt. Mr. Chancellor *Pitt* obferved, that whatfoever might be his ideas concerning fome of the remarks which had been juft made by the right honourable gentleman, he fincerely rejoiced at the right honourable gentleman's full and explicit concurrence in the principles of the addrefs, and at the profpect of unanimity which it afforded, and he owned that he had heard the right honourable gentleman's fpeech with much fatisfaction on the whole, though with fome of the ftrictures which the Houfe had juft heard, he could not help declaring that he was very much furprized. The right honourable gentleman had faid, that at the time of the Budget, there had been an inconfiftency in the language. In anfwer to which remark, he muft take the liberty of afferting that the right honourable gentleman was miftaken in both points; he was miftaken both in the language which he had fuppofed to have been holden by him, and miftaken, likewife in the circumftances to which the right honourable gentleman had referred. The Chancellor of the Exchequer added that he could with truth affert, that he had not uttered one fyllable profpectively on the continuance of peace; he had faid, that our prefent profperous fituation had arifen

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from the natural ſpirit and reſources of the country in the happy interval of peace; and that if, by the bleſſing of providence, that peace ſhould continue, our reſources would continue to increaſe, and that the moſt likely means to inſure the continnance of thoſe bleſſings was to perſevere in the ſame vigorous exertions, by which alone, when the day ſhould come, they ſhould be enabled to meet the perilous exigences of war. The right honourable gentleman was miſtaken in his ſtatement of the circumſtances to which he had referred. The right honourable gentleman had ſaid, "We knew every thing when the Budget was opened, that we know now." The caſe was directly the reverſe. They knew nothing of the facts in queſtion, but that they knew from the ſtatement of the Spaniſh Ambaſſador, whoſe communication was extremely vague and general, and related only to the capture of one of the veſſels, and that without the particulars. The right honourable gentleman had ſaid, they knew the whole of the claim of Spain before. They did not know it diſtinctly, till at a period ſubſequent to the Budget day. Neither did they know the extent of the preparations of the Court of Spain in her ſeveral points, till a very few days ſince. But the right honourable gentleman would give him leave in his turn, to make a ſingle remark on what had fallen from him. The right honourable gentleman had affirmed, that he for months had known of the armaments of Spain, and yet, in the courſe of the preſent ſeſſion, the right honourable gentleman had argued on the propriety of the diminution of the forces of the country, and had expreſſly contended that we had nothing to apprehend from the Court of Spain. That he had given the Houſe the aſſurance, as he was ſuppoſed by the right honourable gentleman to have given, of the proſpect of peace continuing, the Chancellor of the Exchequer ſaid; he did directly deny. He took notice of what Mr. Fox had remarked relative to the armed Neutrality, and the Muſquito ſhore, which latter he declared did not appear to him to be connected with that part of the diſcuſſion then under conſideration. With regard to future arrangements, he felt no difficulty in ſtating that he ſhould think any ſatisfaction inadequate which did not tend to prevent future diſputes.

Mr. Fox.

Mr. *Fox* anſwered, that it was a maxim with him never to diſpute with a gentleman on his own words, but he could prove from ſome accidental private converſation at the time, that the right honourable gentleman was underſtood to have expreſſed himſelf on the proſpect of peace continuing as he had underſtood him. For his own part, he had moſt undoubtedly recommended a diminution of our forces, becauſe he took it for granted that when the King's Miniſters, without

out explaining their reasons, came and asked for a certain force, they had no particular ground for such a demand; and as to his hearing rumours of the Spanish armament, he certainly had long heard of it, but then it was merely by way of rumour, whereas the right honourable gentleman had so much better means of coming at the fact, that he concluded that the right honourable gentleman could ascertain how far such rumours merited belief.

Mr. Pulteney. Mr. *Pulteney* said, that if any insult was given to this country, it was the duty of the nation to require redress. He entertained, however, much doubt, whether in the facts stated in the message from his Majesty, there was any insult on the part of Spain. The message stated, that Spain had asserted rights on the North-western Coast of America. That was clearly a question in right, and not of insult. In urging a claim, he thought Spain totally wrong; but as to insult, she appeared to him to have offered none. Possibly the ships might be employed in something improper, and wherever any contraband trade was carried on, it was customary to seize them. Even on our coasts, when vessels did any thing contrary to law, we seized them, let them belong to what country they would. It was admitted that the Spaniards had restored the ship, and expressed that they wished to be on good terms with this country. That was not like insult. With regard to the question, whether we should insist on carrying on trade on the North-west Coast of America, that was an important question. The Fur Trade, he knew, had proved good at first, and a great deal of money had been made by it, but he understood that it was much decreased in point of advantages, late adventurers having found, that they were obliged to buy their furs dearer, and sell them cheaper. As to the Southern Whale Fishery, that certainly was a serious consideration, and what ought by no means to be abandoned. In respect to the ships, how could we as yet ascertain, that our vessels did what we might wish them to have done? All these facts remained to be explained. In the mean time, he saw nothing like insult in the conduct of the Court of Spain, and he conceived that we had acted prematurely in insisting upon the restoration of the ships prior to a discussion of any kind, because it was begging the question, since if they had the right thus claimed, the seizing of the ships was nothing but the exercise of that right.

Mr. Grey. Mr. *Grey* hoped that the House would concur unanimously as to the question. He felt, with his right honourable friend near him, the difficulties of disputing with any gentleman on words used by himself. But he knew that the impression made on him, and he believed the real impression on the majority

jority of that House, was, that positive assurance had been given by His Majesty's Ministers, that there was a prospect of the blessings of peace continuing in this country. The right honourable gentleman, Mr. Grey observed, had resorted to an *if*. *If* was said to be the greatest peace-maker, and he believed that no person was ever more indebted to an *if*, than the right honourable gentleman. For his part, he thought the moment awful, and the situation critical. As to Spain, he thought that enemy alone not able to contend with us, but he knew that a spark of war was likely to extend to a flame, and a general conflagration frequently arose from a single spark; he hoped, therefore, that we should not light up that spark. With regard to the claims of Spain, he was of opinion that they ought to be settled in the way referred to by the right honourable gentleman.

Mr. M. Montagu.

Mr. *M. Montagu* observed, that he had taken notes of what the Chancellor of the Exchequer said on the budget day, and he was clear that his right honourable friend had expressed himself with respect to peace and war as he had explained himself to have done.

The address was voted *nemine contradicente.*

Mr. Marsham.

Mr. *Marsham* rose to know if the word "unanimous" was adopted?

Mr. Pitt.

Mr. Chancellor *Pitt* explained, that annexing the words *nemine contradicente* was the formal and regular way of signifying that the vote had passed unanimously.

Mr. Fox then rose to move for papers; and first he moved for an account of the amount and value of the trade to Nootka Sound.

Mr. Grenville

Mr. Secretary *Grenville* begged leave to guard the House against the expectation that the motion would bring before them the value of that trade, the exports being few, and the furs all carried to the China market. It was necessary for him to state this, lest any impression should take place that the value of the trade in question was slight or inconsiderable; an idea which, he was persuaded, prevailed in no man's mind but in that of the honourable gentleman who lately intimated as much.

Mr. Burke

Mr. *Burke* remarked, that although the moderate, firm, and temperate language of the address, and of the right honourable gentleman's speech, was entitled to much praise, yet there was something in both, which left an opening for discussion now and afterwards, and would give room for ambiguities and difficulties. The word adequate, prefixed to satisfaction, had better have been omitted, because that epithet left the matter open to a diversity of opinion. With regard to the trade on the north-western coasts of America, we should find it difficult to value it properly. It might, in-

deed,

deed, be with propriety overvalued, for the sake of negociation, with a view to give up something afterwards; but, as far as he knew of the matter, he should conceive that the Court of Spain had no more exclusive right to the trade on the north-western coasts of America, than ourselves. The right appeared to him to lie with the natives. Mr. Burke recommended accommodation, if practicable, consistent with national honour, declaring, that as we never ought to go to war for a profitable wrong, so we ought never to go to war for an unprofitable right; and therefore, he hoped that the intended armament would be considered not as a measure calculated to terminate the war happily, but to enable Ministers to carry on the negociation vigorously. We were to prepare for the worst event, and even to risque the battle, if, unfortunately for us, such a risque should be absolutely necessary. He wished, however, if possible, that the war might be avoided. He had seen three wars, and we were gainers by neither; for a war must not be looked to as likely to pay its own expence: by the first war to which he alluded, the nation added to its glory, but it lost in point of strength, and came out of it more weakened than it went into it. The second war was terminated less honourably; but if with less reputation, the war put us to less expence; and the third war, we lost both ways. In a great, gallant, and spirited nation, he hoped that there would be as much cause for moderation, as there was ground for satisfaction in our ability and our resources. That was the moment when a country did itself most honour, and proved its magnanimity the most clearly, by adopting moderation in proportion to its power. He wished all nations to be as much at peace as possible, because he thought that the balance of power in Europe required, that not any one State should have an unequal and an inordinate superiority. Besides, what had we to contend for? Extent of dominion would do us no good; on the contrary, if all the territories of Spain abroad were thrown into the scale of England, he did not think it an object for a wise man to desire. The effect would prove to us, what it was at this moment to Spain; we should be the weaker for our accumulation of distant domain.

Mr. Pitt. Mr. Chancellor *Pitt* begged that when the House adverted to the value of the trade to Nootka Sound, they would not lose sight of the present question. They were considering of an injury done, and the necessity of obtaining satisfaction; and it would depend on the degree of the spirit of conciliation manifested by the Court of Spain whether we could adhere to a spirit of conciliation or not. It must be desirable, if possible, to terminate the matter amicably, if it could be so terminated, consistently with the dignity of His Majesty's

crown.

crown, and the interests of his people. Mr. Pitt recommended the withdrawing the present motion, and the postponing it for the present, till it could be put into a shape more calculated to produce the information required.

Mr. Fox consented to withdraw his motion, and then made another for a state of the armaments of Spain.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that he must be under the necessity of objecting to that motion, because he did not think it prudent to lay such a statement on the table. He had already stated to the right honourable gentleman, that the information of the extent of the preparation in Spain had been received by His Majesty's Ministers within a very few days only, and any more particular detail of the intelligence, at the moment they were, perhaps, beginning a war, might prove improper.

Mr. Fox. Mr. *Fox* said he had, in the first part of the right honourable gentleman's speech, been induced to think that he had moved for an account of our own preparations, and not those in the Spanish ports. He did not really think that the Court of Madrid could get much information from the state of preparation in their ports being explained in London. Mr. Fox said, he had sat in Parliament many years, and had made several motions of that sort, some of which had failed, but never on the ground of their being mischievous.

Lord Mulgrave. Lord *Mulgrave* observed, that it was well known that last war much inconvenience had resulted from motions of that kind being complied with, since they must either give an account which must lead the House to form a false judgement, or betray the channel through which the intelligence was obtained.

Mr. Fox. Mr. *Fox* asked what mischief could be produced by a Minister's saying, on such a day in April such was the state of the armament going on in Spain? He was the more anxious to know the result of the information on that head, as it unfortunately happened that we had no Minister, or Chargé des Affaires, at Madrid, while matters so important to the interests of this country were transacting in Spain.

Mr. Dundas. Mr. *Dundas* did not think it right to give our enemies the extent and accuracy of our information relative to their preparations, because if a public declaration were made to that House of the exact state of the armament going on in Spain, it would require no great penetration for Spain to discover the extent, object. and application of our armaments.

Mr. Burges. Mr. *Burges* rose merely to speak to the observation made by the right honourable gentleman, that we had no Minister at Madrid. The right honourable gentleman was not accurate in his information. Mr. Merry resided at Madrid, and had been there for some time, and a gentleman better qualified

fied for his situation, perhaps, could not be found. Mr. Merry had, on the present occasion, sufficiently evinced his activity and ability, and Mr. Burges said, that happening, from his official situation, to have an opportunity of precisely knowing the fact, he was glad to have it in his power to do the merit of that gentleman justice.

Mr. Pulteney. Mr *Pulteney* wished for information as to the time when His Majesty's Ministers first received intelligence that the preparations for military armaments were going on in Spain.

Mr. Fox's motion was negatived; after which, the House adjourned.

Friday, 7th May.

The Earl of Courtown reported to the House, that their address of yesterday, to return His Majesty the thanks of this House for his most gracious message, acquainting this House of the circumstances relative to the capture of British vessels on the north-western coast of America, and to the conduct of the Court of Spain on that occasion, which have induced His Majesty to give orders for making such preparations as may put it in His Majesty's power to act with vigour and effect in support of the honour of His Majesty's crown, and of the interests of his people, had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that His Majesty received, with great satisfaction, the unanimous assurances of their support, which must tend to produce the most salutary consequences in the present conjuncture.

The message from His Majesty was, upon motion, ordered to be referred to a Committee of Supply.

Mr. Fox moved, " That the order of the day be read."

The order for the House to resolve itself into a Committee of the whole House, on a farther consideration of the act imposing the six-weeks licenses, having been read, Mr. Fox moved, " That the Speaker leave the chair."

The question having been put and agreed to, Lord John Townshend took his seat at the table.

Mr. Fox. Mr. *Fox* observed, that considering the present state of the revenue, he could not think of moving for the repeal of an act, the object of which was to impose a tax, and enforce its collection, the produce of which, he understood, amounted to between ninety and one hundred thousand pounds. But when the arguments advanced at the bar of the House were recollected, Mr. Fox trusted that it would be admitted that it had been established that a great many hardships were suffered by the publicans, which Government never could have had it in their contemplation to inflict, and which there could be no reasonable pretext for obliging the parties inte-

rested to endure. The publicans were obliged to renew their licenses every six weeks, which occasioned a vexatious loss of time, by attendance at the office, as well as much unnecessary trouble to the victuallers and innholders. He should, therefore, propose to change the mode of payment from every six weeks to once a year. Another great oppression was, that as the operation of the act stood at present regulated, if an innholder had let his house, although he had paid for his license but a few days before, the new comer was obliged to take out a fresh license, so that it was possible that the tax on licenses might be paid by a single house many times in one year; he should hope, therefore, that there would be no objection to an amendment of the act, rendering the licenses transferrable from one landlord to another. Mr. Fox concluded with moving, "That leave be given to bring in a "bill to explain and amend an act passed in the 27th year of "his present Majesty, entitled, an Act for laying additional "duties upon licenses to be taken out by persons dealing by "retail in spirituous liquors."

Mr. Chancellor *Pitt* observed, that it was needless for him to enter at large upon the subject, because the motion only went to ask leave to bring in a bill to explain and amend the existing act of Parliament, and not for a bill to repeal it; neither was it absolutely requisite to take notice that the petitioners had not, by any means, made out their case, which he should have felt it his duty to state, had the motion been of another nature. To the motion, shaped as it was, he did not, on the first view of it, feel any objection; but not having heard before Monday what the present mode of proceeding was intended to be, he owned himself not quite prepared to meet the question, and therefore he wished to have an opportunity of enquiring of those better acquainted with the subject, whether there was ground or not for the proposed bill. He stated the original intention of the act, which had been twofold: to regulate the innholders, and to prevent spirits from coming into too general use by their lowness of price. Mr. Pitt.

The motion was carried in the affirmative.

The House adjourned.

Monday, 10th May.

Sir *Benjamin Hammet* rose to make a motion relative to the sentence of burning women convicted of certain crimes. He stated, that it having been his official duty to attend on the melancholy occasion of seeing the dreadful sentence put in execution, he then designed to move for leave to bring in a bill to make some alteration, but he did not choose to venture the measure till he had consulted and received the approbation Sir Benj. Hammet.

of ſome high authorities in the law, which was now the fact. The judgement of burning alive, applied to women for certain crimes, was the ſavage remains of Norman policy, and diſgraced our ſtatutes, as the practice did the common law. He maintained, that the Sheriff who did not execute this ſentence of burning alive, was liable to a proſecution; but he thanked Heaven that there was not an Engliſhman to be found, whoſe humanity did not triumph over the ſeverity of the ſentence, and who did not chooſe to run the riſk, rather than attend to the letter of the judgement. He repeated the ſentences verbatim which were given upon men and women for the ſame crime.

Upon men.

"To be drawn upon a hurdle to the place of execution, "and there to be hanged by the neck till he is dead."

Upon women.

"To be drawn upon a hurdle to the place of execution, "and there to be burned with fire till ſhe be dead."

He deſired the Houſe to conſider the influence of the huſband upon his wife, and that, in many other crimes, the laws made proviſion for it. At this moment, a woman lay in Newgate convicted for coining; but the learned Recorder had not made his report; and the Sheriff had applied to him that morning, expreſſing his feelings upon the occaſion, and rejoicing in the hopes that the bill might paſs into a law. He deſired to remind the Houſe, that it was proved, by experience, that the ſhocking puniſhment did not prevent the crime. Formerly, the men were ſentenced to be quartered, in addition to their other puniſhment, and he ſuppoſed it aroſe from delicacy that the women were to be burnt; but now, the ſentence of quartering was not the judgement, and all for which he contended was, that women ſhould not receive a more dreadful puniſhment than the men, who might influence the women to the commiſſion of the crime. He would uſe no more arguments. He truſted that the bill wanted not the force of oratory or eloquence to cauſe it to be received; for he had no doubt but the Houſe would go with him in the cauſe of humanity. He would not, therefore, trouble the Houſe longer, but begged to be permitted to move for leave to bring in a bill "for altering the ſentence of burning women attainted and convicted of certain crimes, and ſubſtituting other puniſhments in lieu thereof."

Mr. Pye ſeconded the motion.

Mr. Sheridan. Mr. *Sheridan* wiſhed the motion to be worded more generally, and that the deſcription of the bill might extend to all women convicted of high or petty treaſon, declaring, that if it ſhould be neceſſary to narrow the object of the bill, there would

would be sufficient opportunities of doing so in the Committee, and at different stages of the progress of the bill.

Sir *William Younge* observed, that the motion was for leave to bring in a bill to alter the judgement of burning women for certain crimes. The words "certain crimes," undoubtedly comprehended all those crimes, on the conviction of which women were liable to a sentence of burning. Sir Wm. Younge.

Mr. *M. A. Taylor* rose merely to suggest the propriety of submitting the bill, in the first instance, to the consideration of the Judges, thinking it right, in every attempt to alter the law of the land, especially such part of it as related to criminal jurisdiction, to consult the Judges. He recollected a bill which had been brought in some time since, the object of which was clearly good; but the only reason of its failure was, because the Judges had not been consulted. In the present case, he conceived the business could not be done with so much facility, as by applying first to the Judges. Mr. Taylor.

Sir *Benjamin Hammet* said, that one of the first law authorities in the kingdom had given it as his opinion that such a bill was proper, and it had in fact been recommended to him to bring in such a bill, as perfectly humane and justifiable, by several of the Judges. Sir Benj. Hammet.

The motion passed, without amendment, unanimously.

The House having resolved itself into a Committee of Supply, Mr. Gilbert in the chair,

Mr. Chancellor *Pitt* rose to move a vote of credit for a million, to enable His Majesty to act as the exigency of affairs might require. With the large sums already voted, and the use of the money which His Majesty would then have at his command, a vote of credit for a million would be sufficient. Mr. Pitt explained the nature of some claims, which the merchants and others who had property in Georgia, so far back as 1783, fairly had upon Government, in consequence of that province being ceded by the treaty of peace; and he concluded with moving, Mr. Pitt.

"That it is the opinion of this Committee, that a sum not "exceeding one million be granted to His Majesty, to enable His Majesty to take such measures, and to make such "augmentation to his forces by sea and land, as the exigen-"cies of affairs may require."

"That the sum of 49,556l. 17s. 6d. be granted to His "Majesty for the relief of merchants and other persons in-"terested in lands within the late province of Georgia."

The motion having been read a first and second time, on the question, "That the Chairman do report the same to "the House,"

Mr. *Sheridan* remarked, that the right honourable gentleman, (the Chancellor of the Exchequer) when he stated his Mr. Sheridan.

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observations on His Majesty's message to the House, had expressed a hope, that we should still be able to accommodate the matters in question between the Courts of Madrid and Great Britain, without being driven to the necessity of going to war; a hope in which they must all most cordially concur. But although it was right to follow up their address to His Majesty of last week with a vote of supply, and not leave the address as a mere matter of profession, Mr. Sheridan said he wished to know if, on the event of war being commenced, the right honourable gentleman would find it necessary to have a Committee of Supply again?

Mr. Pitt. Mr. Chancellor *Pitt* answered, that there were two views in the contemplation of Government. The one, a hope, and that, he believed, not altogether irrational, that the matters in dispute between us and Spain might be accommodated, without going to the extremity of a war; and the other, that a war might be unavoidable. The vote of credit for a million was calculated to answer the least desireable alternative of the two, should we be disappointed of our expectations.

Mr M.A Taylor. Mr. *M. A. Taylor* trusted that Government would contrive that the Admiral for the Newfoundland station did not go till rather a later period than the present, in order that he might protect the large fleet of ships which would sail for Newfoundland from the port of Pool. Many had already sailed; and he could have prevented all the mischief that was possible to happen, had he known of the situation of affairs a month, or even a fortnight ago.

Mr. Rolle Mr. *Rolle* observed, that there was a considerable deal of property embarked on board vessels in the different ports in the west in a similar predicament, but that he had not thought it right to say any thing respecting them in that House, as he gave Government the credit of supposing that they would take the proper means of guarding, as much as possible, against the danger incidental to the circumstances in which we now stood.

Mr. Taylor. Mr. *Taylor* declared that there was no secret in what he had mentioned, nor any thing which could afford information to Spain, which she could not, with the utmost ease, have obtained. For his own part, he was as little desirous of betraying the necessary mysteries of State as the honourable gentleman who spoke last, or any other honourable Member whatsoever.

Mr. Fox. Mr. *Fox* asked, whether the papers which the House had ordered, would give the dates of the earliest intelligence received by His Majesty's Ministers of the capture of the ship in Nootka Sound? He added, that since he had last troubled the House on the subject, a report had gone abroad, that a commu-

communication of the fact was made to His Majesty's Ministers by the Spanish Ambassador, so early as the 10th of February last. He wished to have the dates of the communication correctly, in order to see whether the situation in which the nation unhappily stood, was a misfortune not to be avoided, or whether, if a public representation of it to the House, and a preparation for armament had been made at an earlier moment, the calamity might not have been prevented. He had no doubt but this information would be given, when His Majesty should graciously be pleased to give directions for it, in compliance with the address of the House; and if it should appear that the communication had been made so early as the 10th of February, undoubtedly the surprise of the House at the conduct of Ministers would become increased.

Mr. Chancellor *Pitt* answered, that he had not conceived that the motion of the right honourable gentleman extended to the communications made by the Spanish Ambassador; if he had, he should have stated his reasons for objecting against it. He understood that the motion referred merely to the intelligence received from Madrid, and so, it would be found by His Majesty's answer, it had been generally understood by His Majesty's Ministers. If any thing farther was wished for, the best way would be for the right honourable gentleman to make a distinct motion for it. Mr. Pitt.

Mr. *Fox* observed, that if the report which he had heard were founded, the Ambassador's communication being the first intelligence, was most important, and he wished to have it, in order that they might learn whether they were likely to be plunged into a war by accidents not to be guarded against by human foresight and precaution, or through the carelessness and supineness of His Majesty's Council. Mr. Fox.

Mr. Chancellor *Pitt* declared, that whatever temporary triumph the right honourable gentleman or his friends might think they had obtained by goading Ministers with questions such as those now in agitation, he should not, either by personal attack or personal insinuation, become provoked to do what he did not think proper or consistent with his duty to the Public. Upon any future proper day for unreserved discussion, he had no doubt but that the honourable gentlemen would find that they had less cause for triumph than they at present seemed to imagine. Mr. Pitt.

Mr. *Fox* answered, that there was nothing like triumph in the matter. He had mentioned a report that a communication had been made to His Majesty's Ministers on the 10th of Frebruary, but he begged to have it understood that he was by no means pledged for the truth of it. Mr. Fox.

The two resolutions passed.

Mr. Sheridan. Mr. *Sheridan* adverting to the loan of Exchequer bills for 300,000l. to the East-India Company, remarked that possibly, the right honourable gentleman might have been otherwise employed for the last two or three days, than to have had an opportunity of attending to the subject; if not, he should be glad to know how the right honourable gentleman found the matter upon inquiry.

Mr. Pitt. Mr. Chancellor *Pitt* answered, that he really had not had an opportunity of adverting to the circumstance, but if the right honourable gentleman conceived that there was any thing in it, on which he ought to make a Motion, the most regular way would be to make one on the subject.

Mr. Sheridan. Mr. *Sheridan* said, that he would make such a Motion on the ensuing Friday.

The House resolved itself into a Committee on the lottery bill, Mr. Gilbert in the chair.

Mr. Rose. Mr. *Rose* proposed an amendment of his clause subjecting Printers of Newspapers to a penalty of 50l. on conviction of having published an advertisement of any illegal scheme, share, chance, policy, &c. By the amended clause a list of the licenced office-keepers was to be advertised in the London Gazette, and such other Newspaper as the Commissioners of stamps think proper. Mr. Rose read a clause from the lottery act of the 22d of His present Majesty to prove that the principle of the clause was not a new principle.

Mr. Sheridan. Mr. *Sheridan* stated what the ground of his objections had been, and said, that having carried his object, he was satisfied.

The clause was agreed to.

Mr. Rose. Mr. *Rose* then proposed a clause, subjecting the distributors of hand bills, advertising illegal schemes, shares, chances, polices, &c. to three months imprisonment, on conviction before a justice of the peace.

This was objected to by Mr. Sheridan, Mr. Taylor, Sir James St. Clair, Mr. Hussey, and Mr. Windham, as oppressive and severe, because it subjected men who could neither write nor read to a punishment for distributing a hand bill, concerning the subject of which they might be wholly ignorant of.

Mr. Rose and Sir Joseph Mawbey defended the clause.

At length the Committee divided,

Ayes, 401; Noes, 37.

The bill then passed the Committee, and was ordered to be reported.

The House adjourned.

Tuesday,

Tuesday, 11th May.

Mr. Secretary *Grenville* moved that an account of the number of vessels and their tonnage employed in the Souththern whale fishery be laid before the House. Mr. Secretary Grenville.

Mr. *Fox* expressed his wishes that an account might be added of the trade to Nootka Sound. Mr. Fox.

Mr. *Grenville* answered, that he had applied to the persons engaged in that trade, from whom such information as he could obtain should be laid before the House. Mr. Grenville.

Mr. *Sheridan* observed, that it was extremely necessary to have as correct an account of this as could be obtained; and also to have it ascertained whether any settlement, and of what nature, was forming, or intended to be formed, on the coast. Mr. Sheridan.

Mr. *Grenville* said, he was not yet prepared to give any information on either subject. Mr. Grenville.

The order for the third reading of the Post-Horse duty bill was received; and

Mr. *Sheridan* again moved his clause to oblige the farmers of the duty to declare upon oath the annual produce of their respective districts. Without some clause to this effect, the public, he contended, could not reap the full advantage of the bill, because the produce of the several districts being known only to those who farmed them, no advance could be expected on the price at which they were first let. The farmers were to be considered in the light of public accountants, and might fairly be called on to give an account of money collected from the public. Mr Sheridan.

Mr. *I. H. Browne* contended, that it was impossible to call upon men to declare on oath what they had a strong temptation to conceal, more especially under circumstances which rendered it extremely difficult to discover whether they had declared the truth or not, so as to found an indictment for perjury. He could not consider the farmers in the light of public accountants, nor agree to an inquisition into private property. And, finally, would tend rather to injure than to benefit the public, because men would not bid high for that of which they were obliged to give an account upon oath. Mr. I. H. Browne.

Mr. *Sheridan* said, the bill empowered the farmers to call upon all persons engaged in letting post-horses, to answer, on oath, who had a very great temptation in the way of interest, to swear falsely. If the honourable gentleman's objection went merely to a wanton use of oaths, he ought to object to the bill entirely. The farmers must, necessarily, be considered as public accountants. The oath proposed, was, at least, a safer oath than any other authorized by the bill; Mr. Sheridan.

and without it, or ſomething equivalent to it, the public would not reap the full benefit of the bill.

Mr. I. H. Browne. Mr. *I. H. Browne* replied, that the oaths authorized by the bill were to prevent frauds.—There was a great difference between an oath to check the fraudulent, and an oath which would tempt honeſt men to perjury.

Mr. Martin. Mr. *Martin* conceived it was neceſſary that the public ſhould know the amount of the ſums collected, ſome way or other.

Mr. Pitt. Mr. Chancellor *Pitt* deemed it highly proper that the public ſhould be informed of the amount of the ſums collected in the ſeveral diſtricts, in order that the farmers might have no more than a reaſonable profit. The only difference of opinion was as to the beſt mode of doing this. The honourable gentleman who propoſed the clauſe, thought a declaration on oath would be effectual; to which there, certainly, could be no objection on the ſcore of private property, becauſe the produce of the tax, although farmed out to particular perſons, was much more a public than a private concern. But, there was much weight in the argument that the clauſe would tend to prevent perſons from bidding ſo high as they, otherwiſe, would bid; and, on that ground, he ſhould think the bill likely to be more beneficial without it.

Mr. Fox. Mr. *Fox* expreſſed his aſtoniſhment that the right honourable gentleman ſhould approve of the object of the clauſe, and yet, while he objected to it, as inadequate to its end, propoſe no other in its room. He did not think an oath the moſt eligible mode; but, as unluckily no other was offered, he muſt prefer that mode to none at all. Unleſs the amount of the ſums, collected from the public, was known by ſome means or other, men would either bid nothing in advance on the former price, or they would bid blindly and raſhly; perhaps, to their own ruin, from which the public could reap no benefit, but might ſuſtain conſiderable loſs. He was againſt the multiplication of oaths as much as any man. He wiſhed that no man were called to affirm any thing on oath but the truth of his evidence in a court of juſtice; and he had little doubt but that, with proper attention, this might be effected. The oath propoſed was, however, leſs exceptionable than the oaths authoriſed by the bill, in as much as the temptation to perjury was much greater where men were called on to declare upon oath, not only what they had a pecuniary intereſt to conceal, but what, if they told the truth, might involve the confeſſion of a crime for which they were liable to puniſhment, than where they were called on to declare, what, indeed, they might have an intereſt in concealing, but what, if they told the truth, could

not

not poſſibly involve a confeſſion of fraud or diſhoneſty. The arguments of the honourable gentleman who ſtated this objection, ſeemed to imply that it was ſafe and proper to impoſe an oath on a knave, but dangerous to propoſe one to an honeſt man.

Mr. *Vanſittart* obſerved that, turnpike roads were generally farmed; and the value was always tolerably well known, without any declaration on oath. He had no doubt but the value of the Poſt-horſe duty, in the ſeveral diſtricts, might be equally well aſcertained. Mr. Vanſittart.

Sir *William Cunnynghame* remarked that it was often extremely difficult to determine the value of turnpike tolls. He knew a perſon who had made ſeveral thouſand pounds by farming a turnpike; and nothing was ever offered in advance till that perſon engaged in another buſineſs, and was, conſequently, known to have made money. He had good authority for ſtating, that the perſon who farmed the diſtrict of Scotland had written to his agent at Edinburgh to let it out in ſubordinate diſtricts. Sir Wm. Cunynghame.

The queſtion was put, and the clauſe rejected without a diviſion.

The report of the Committee of Supply was brought up, and the reſolutions being read,

Mr. *Fox* declared that he had imagined that the general intent of the vote of credit was to provide for the uncertain expences which muſt, neceſſarily, be incurred, ſhould the hopes of the country experience a diſappointment, and Spain refuſe an amicable accommodation. But, he had heard that orders for an augmentation of the forces by ſea and land were, already, iſſued. If this was true, he ſaw no reaſon why the eſtimates of theſe augmentations might not have been referred to a Committee of Supply; ways and means voted the money neceſſary immediately; and proviſion made for paying the intereſts of it. No maxim in finance could be truer, than that the means of paying any expence ſhould go hand in hand with the expence itſelf. There was no end to the miſchiefs ariſing from ſpending money one year, and providing for the payment the next. The public, alſo, ſhould know at once the extent of the expence, as nearly as poſſible, in order to judge of the expediency of it. Mr. Fox.

Mr. Chancellor *Pitt* contended that, to have voted eſtimates in a Committee of Supply would have looked like an inference, that the augmentation of the forces was to be kept up for the whole year; and money muſt have been borrowed, and taxes now impoſed to pay the intereſt, before it was known with certainty that either would be wanted. Although it was true that augmentations were already ordered, theſe augmentations might not be completed in one Mr. Pitt.

 event,

event, or might not be sufficient in another; and if the hopes of an amicable accommodation should be disappointed, provision might be made for the additional expence, which would then become necessary, by as early an application to Parliament as public convenience would admit.

Mr. Fox. Mr. *Fox* begged leave to remind the right honourable gentleman that, he never meant to assert that estimates voted under the bare apprehension of war would be sufficient, if war should actually ensue, but that the augmentations already ordered might have been voted and provided for in the regular way.

Mr. Pitt. Mr. Chancellor *Pitt* answered that this would have been to continue, for a whole year, augmentations, which, in the event of an amicable accommodation, might not be wanted for so long a time, or might not even be all made.

The resolutions were agreed to.

The House resolved itself into a Committee, and

Mr. Pitt. Mr. Chancellor *Pitt*, after stating the amount of the claims given in by the American Loyalists, the amount allowed by the Commissioners, and the sums already paid, moved,

That the sum of 224,000l. be granted for farther payments; and

The sum of 32,000l. to make good the losses sustained by certain persons, inhabitants of the United States of America.

Some of these (he said) had sustained very heavy losses by a conduct which entitled them to the munificence of this country; and it was found, on enquiry, that the reason why they had not applied in person for compensation, was, that their losses had deprived them of the means of leaving America.

These were all the motions for money which he meant now to make; but, he gave notice, that, on the ensuing Tuesday he should propose a compensation in the way of perpetual annuity to the Penn family, whose losses were estimated by the Commissioners at 500,000l.; and, also, for some other claims not yet provided for.

The resolutions were agreed to.

He then moved a mode of compensation for such persons as sustained losses by supplying the army or the navy with stores or provisions, &c.

For such as suffered by the cession of Florida; and

For such as suffered by losses of income arising from offices.

These resolutions were also agreed to.

Mr. Sheridan. Mr. *Sheridan* said, that he had a motion to make, which he knew not whether he had worded properly; but the purport of it was, to obtain information whether the trade to

Nootka Sound, and the ſettlement forming, or intended to be formed there, was undertaken under the ſanction and authority of Government, or merely as an enterprize of private perſons.

Mr. Chancellor *Pitt* wiſhed the motion to be poſtponed till the information promiſed in His Majeſty's anſwer to the Addreſs could be laid before the Houſe. Licences to trade to Nootka Sound had been granted; and he knew of no authority for that, or any other purpoſe, but ſuch as thoſe licences contained. Mr. Pitt.

Mr. *Fox* obſerved that, it was of much importance, that the ſituation and nature of the trade and ſettlement ſhould be known. Mr. Fox.

Mr. Chancellor *Pitt* ſaid, that the memorial of Captain Mears, with the very full appendix which accompanied it, would put the Houſe in poſſeſſion of all that Government knew on the ſubject. Mr. Pitt.

Mr. *Sheridan* remarked that, what the Houſe had now heard, that the ſettlement was a private enterprize, was very material. Mr. Sheridan.

Mr. Chancellor *Pitt* contended that, whether the ſettlement was or was not a private enterprize, there could be no doubt that it was incumbent on the honour of the country to demand ſatisfaction for any inſult or injury offered to its ſubjects, whether in their private capacity of traders, or acting under the more immediate ſanction of Government. Mr. Pitt.

Mr. *Sheridan* declared that, if the right honourable gentleman meant to inſinuate that he did not think the country bound in honour to protect every ſubject from inſult or injury, he had put a conſtruction on the words which they would not bear. Mr. Sheridan.

The motion was poſtponed.

Mr. *Burke*, now, riſing, remarked that he flattered himſelf that he might, without vanity, preſume to preſs upon the recollection of the Houſe, the circumſtance of his having been employed, for the laſt ten years of his life, in diligently enquiring concerning the affairs of India, the Houſe having, in its wiſdom (and wiſe indeed, was the procedure) taken the proper means to know whether any diſorders exiſted, and whether any offences had been committed. After much inveſtigation, the Houſe had thought proper to adopt two means of remedying them in future, the one by applying regulations for the prevention of farther grievances, the other by inſtituting proſecutions for offences by a Penal Law. How far theſe means had proved ſucceſsful was not yet aſcertained, though he ſhould hope that they had ſucceeded, in the firſt inſtance, and he truſted that they would Mr. Burke.

in the other, when, by their perseverance and patience, they should obtain judgement against the great delinquent under prosecution before the House of Lords. That the prosecution was a proper one, the House had resolved. Whether they were to avail themselves of the proper means of rendering it effectual, or whether the opinion formed by them was to be ratified in another Court of Justice, was not a question to be decided there. It was in vain to talk of the necessity of bringing a delinquent to public justice unless the proper means were given to do it with effect. We were going to war with one of the greatest Monarchs in Europe. Were we not then to conduct the war of the virtue of the country against its vices, to punish the pirates and delinquents, and were we not to be engaged in a war with an individual who was one of the greatest of those delinquents, if he was a delinquent at all? Mr. Burke observed that he had the testimony of one of the best and least questionable witnesses (Earl Cornwallis) to prove the fact of gross mismanagement in our former Government in India. He, then, referred to Lord Cornwallis's letter, dated March 12, 1789, (which was referred to by Mr. Francis in the debate of March 31), and read those passages in which his Lordship states his opinion of the prospect of posterity, which he expected to arise in consequence of the principal landholders and traders being restored to the power of supporting their families with decency. Lord Cornwallis (Mr. Burke said) drew this picture, and he would ask, if any man supposed that Lord Cornwallis was charging the defects of his own Government; by the word restored, he must have alluded to the former Government, to that of Warren Hastings. Mr. Burke added that they had, that forenoon, been in the Hall for the sixty-third day, and reckoning three hours each day, they had spent one hundred and eighty nine hours there, which was nine hours longer than a Committee was allowed to sit in that House. In that time the House might well exclaim, that substantial justice ought to have been obtained. There were, it was to be remembered, three Parties in the cause, the first was Mr. Hastings, the next the Public, and the last the Managers themselves. The grievances sustained by each, in consequence of the trial, were to be considered and relieved; but first of all, those of Mr. Hastings, and let them see what had been the conduct of that gentleman. On the 9th of February, 1789, Mr. Hastings presented a Petition to the House of Lords, and (Mr. Burke remarked that) he would admit that there might be circumstances of complaint in a criminal on the very object of his trial. Mr. Hastings, in his Petition, had, first, complained that his trial had lasted a year, which, with regard

gard to the period from its commencement, was true, but not true in the light of a trial going on *de die in diem* for a twelvemonth; Mr. Haſtings had, next, complained, that ſeveral noble Lords, his Judges, had left this world in the courſe of nature. That was a circumſtance which the managers could not help, nor had he ever before heard that it was among the privileges of Peers of Parliament to eſcape paying the debt of nature. But neither the Managers nor that Houſe had the power of preventing their death, much as they muſt regret that the noble Lords ſhould die, unleſs indeed ſuch Peers as had ſons to ſucceed to their honours and their virtues. For his own part, to all who heard him, he wiſhed a long life and a ſhort trial. Mr. Haſtings, next, talked of his witneſſes having gone to India. If he had let them go there, it was his own fault; the Managers could not help it; and all he could obſerve was, that the trial muſt take its courſe, and Nature muſt take her's likewiſe. His own health, Mr. Haſtings had, next, ſaid, which a long reſidence in India had injured, required the benefit of foreign air, which the trial deprived him of the opportunity of taking. The fact Mr. Burke denied, nothing could hinder him from enjoying foreign air, if he would ſettle with his bail for that purpoſe. Again, Mr. Haſtings complained, that he was taken out of his rank of life, and deprived of theſe enjoyments which other men might command. He could not believe it. They ſaw him at balls, operas, plays and aſſemblies. [A cry of Oh!] Mr. Burke ſaid, he would re-aſſert the fact in ſpite of that Oh, which, he was perſuaded, was not the Oh of ſenſibility, nor did it proceed from benevolence of mind. Beſides, when Mr Haſtings declared that he ſuffered hardſhips, was it not competent to the Managers for the Commons of England to prove the contrary, and that he enjoyed all the comforts of life, and ſhared in its rational pleaſures? long might he enjoy them! he did not regret his enjoying them, he had only aſſerted that Mr. Haſtings did enjoy them. And he believed, if the eaſe of the life of Mr. Haſtings were compared with the labour of his (Mr. B.'s) it would be ſeen which of the two was the beſt entitled to complain. He wiſhed, therefore, that gentlemen who complained of the hardſhips which Mr. Haſtings endured, would juſtify what they ſaid on the ſubject, on their legs, that he might have an opportunity of anſwering them. A man, upon his trial, undoubtedly, could not be quite at his eaſe; it was inſeparable from the nature of the caſe, and to that Mr. Haſtings himſelf imputed it; but he complained of the mode of trial being ſo expenſive and his fortune ſo ſmall. With regard to his being thruſt out of his place in common ſociety, he muſt aſſert that he

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was as much in his place in common society as any man amongst them. Mr. Burke here resorted to Mr. Hastings's petition, a copy of which he held in his hand, and he affirmed, that if it were true that the House deprived Mr. Hastings of the means of his existence by the conduct of the trial, they were violating justice; but let them see how the fact stood? It had been stated, that Mr. Hastings's fortune was under 50,000l. and that 30,000l. was spent in the first session in getting the records copied, and that 20,000l. more was probably spent during the course of the next session. If so, Mr. Hastings could not have bread. The context seemed to say, that the materials cost him 50,000l. what then must the superstructure cost him? Mr. Hastings had told a noble Lord (Lord Dover) who was stunned at the assertion, that he might judge of his expences by the single fact, that copying papers at the India House alone had cost him three thousand pounds. Mr. Burke had declared that he had been at the India House, and desired the proper person to tell him what it had cost Mr. Hastings at the India House? when he was told, not one farthing; for, every thing was copied gratis, though he could not say but that some little civility might have been offered to the clerks. Mr. Burke declared, that Mr. Hastings got neither credit nor compassion by stating what was not true. The Managers were ready to enter into every particular asserted by Mr. Hastings in his petition, and they would undertake to to disprove the allegations. He must, therefore, affirm that it was a serious thing to charge this to justice, and impute it as taking away the means of defence, which was not so; and he would ask, did what he had said prove Mr. Hastings to be worth more than he had asserted? He feared they could prove that he was worth a great deal more. But whether what he had alledged was true or false, Mr. Hastings was entitled to that justice which was due to him, and ought not to be kept one moment longer in suspence than was unavoidably necessary. He should have thought that Mr. Hastings, who stated all the grievances and hardships alledged in his petition, would have been glad if they had given him the opportunity to clear away any imputation, and to have refuted any one charge; but that he rejected, and therefore the assertion that he had used every rational mode of shortening the proceeding, was not true. Whatever was the hardship which Mr. Hastings suffered, Mr. Burke contended that it was his own, and not the hardship imposed on him by the Managers. There were three ways of a man getting off from a trial; one, by an honourable acquittal; the second, by an acquittal; and thirdly, by an escape affected by procrastination. The next session, Mr. Hastings had found the business exceedingly long, and

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he came with another complaint, declaring, that he would have pleaded guilty, rather than have undergone what he had sustained. Mr. Burke contended that it was evidently the aim of Mr. Hastings to attempt to escape by procrastination, and thus, in the end, baffle the House of Lords. The Managers of the prosecution, however they might fail in knowledge of the law, or however they might fail in dexterity, no man, he believed, would say that they failed in zeal or in exertion. They had all through been actuated only by a desire of obtaining public justice, and they wished to put some speedy end to the prosecution, which had already lasted longer than the longest Election Committee. By the conduct of the defendant, it was imagined that he wished to gain time. This was evident, from every paper that was read, being insisted on being read at full length, and by other symptoms. So that Mr. Hastings appeared like a fox, who, when hunted and pursued, endeavours to elude his hounds, and try which has the longest wind. Mr. Hastings seemed to think, that the House, tired and sickened of the business, would abandon it altogether; he would submit to the House, however, whether it would become their dignity to act in that manner, and whether they ought not to shew that they had the power to carry on a prosecution effectually, after they had once thought it a debt due to justice that it should be instituted; he submitted it also to the consideration of the House, whether the best means to prevent the chicane so obviously practised, would not be to let the party positively discover that he had no hopes for an escape, and that the House would not be satisfied till justice was obtained. To effect this, the House had first, to put the prosecution within a manageable compass, and next by a resolution to declare that they would not be baffled. Mr. Burke mentioned that Lord Somers, Lord Halifax, and some of our best men, had been impeached, and he stated the nature of the proceedings upon these occasions. He mentioned also the authority given to the Managers of the impeachment of Lord Macclesfield, and on this he had chiefly grounded one of his motions. Mr. Burke now concluded his two motions as follow, and then moved the first,

"That this House taking into consideration the interruptions occasioned by the occupations of the Judges and the House of Lords, as also the impediments which have occurred, or may occur, in the course of the trial of the impeachment of Warren Hastings, Esq. doth, without meaning to abandon the truth or importance of the charges, authorise the Managers of their said impeachment, to insist only upon such and so many of the said charges as shall appear to them the most conducive to the obtaining speedy

"speedy and effectual justice against the said Warren Hastings."

2d "That the Commons of Great Britain in Parliament "assembled, from a regard to their own honour, and from "the duty which they owe to all the Commons of Great "Britain, in whose name, as well as in their own, they act "in the public prosecutions by them carried on before the "House of Lords, are bound to persevere in their impeachment "against Warren Hastings, Esq. late Governor General "of Bengal, until judgement may be obtained upon the "important articles in the same."

Mr. Pitt. Mr. Chancellor *Pitt* expressed himself decidedly of opinion, that the tendency of the motion so evidently leading to the furtherance of public justice and the advantage of the party accused, ought not to create any difference of opinion on the subject. When the prosecution had been instituted, no person imagined that it would have gone into the length to which the trial had been drawn, and all must see that unless some step or other were taken, the length of the trial must still prove indefinite, and possibly the ends of public justice become defeated. The Chancellor of the Exchequer spoke of the situation in which the House stood, and added that it was due to their own honour, that means should be taken to give a proceeding of so much importance, efficacy and effect. He thought the first motion, therefore, perfectly unobjectionable, and although the second did not appear to him so absolutely necessary, yet if the right honourable Manager thought it material, he for one had no intention to resist it.

Master of the Rolls. The *Master of the Rolls* thought it would be more adviseable to make the motion general, and to follow that precisely which had been adopted in the case of Lord Macclesfield. He read a copy of that motion, and though he confessed it was not so ably worded as the right honourable gentleman's, yet he conceived it preferable, as there was no occasion to assign a reason; the doing of which would be liable to comment.

Mr. Sheridan. Mr. *Sheridan* contended that the difference of the circumstances of the two impeachments made the distinction between the two motions sufficiently clear. In the impeachment of the Earl of Macclesfield, the Managers were armed with the authority in question, in the first instance; it was therefore unnecessary to assign a reason. The honourable and learned gentleman should observe, that in the present impeachment, they had now passed almost three years without obtaining their object. On which special account, it was necessary to assign a reason for giving fresh authorities to the Managers. Nor did his right honourable friend's motion appear to him in any part of it objectionable; it conveyed no insinuation

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insinuation; for surely it was no insinuation to state that the judges were obliged, in discharge of their official duty, to leave town, and do the business of their several circuits.

Mr. Wigley.

Mr. *Wigley* declared, that he had often admired the unabated ardour with which the Managers had returned to the charge, after the decision of a question against them; he must, however, object to the words "other impediments," because it tended to impu'e delay to Mr. Hastings, which he did not think had been the fact.

Mr. Fox.

Mr. *Fox* obseived, that the present was not the day to discuss the conduct of the Managers; but when the day arrived he should be happy to enter into a justification of their conduct, and to contend with that learned gentleman, or any one, or a l of the learned gentlemen of that House, that in no one instance had the Managers put a question which they though beforehand would be objected against. He would not enter into a word of discussion then, but he would say there, what he had said more than once in another place, that the delay had been owing to the want of publicity in pronouncing the grounds and principles of the decisions of the House of Lords. That want of publicity was to be lamented, because not knowing the grounds and extent of the principles on which the decisions went, it was impossible for the Managers to know how far the next questions which they intended to put, might, or might not, militate against those principles.

Mr. Wigley.

Mr. *Wigley* declared, that he by no means intended to impute blame to the Managers.

Major Scott.

Major *Scott* said, I rise, Mr. Speaker, not to offer my sentiments upon the motion before you, but to take notice of something that has fallen from the right honourable gentleman who made it, and I do assure you that I came into this House with a firm determination to take no part whatever in the business of this day, and therefore I fixed myself in the gallery, that I might not be tempted to change my purpose; but the right honourable gentleman (Mr. Burke) has rendered it absolutely impossible for me to remain silent, by his very extraordinary misrepresentation of two very remarkable circumstances. The first is, his assertion that Mr. Hastings told the noble Lord, who presented his petition to the House of Lords, that he had paid three thousand pounds for copying papers at the India House, that the gentleman had enquired at the India House and found the story was false, as Mr. Hastings got all his papers for nothing. Sir, I affirm in the first place that Mr. Hastings never saw the noble Lord alluded to for many months before, nor for many months after that petition was presented; that Mr. Hastings never had any conversation with that noble Lord directly or indi-

rectly on the subject of his petition or of his expences; and I am sure the right honourable gentleman never was told a word about the matter by that noble Lord. I believe the Manager heard the circumstance he mentioned from another Lord; but whether it was from a Lord, or a Commoner, I will state the fact, and I am perfectly ready to be accountable to any person for every word of it. When Mr. Hastings determined last year, to petition the House of Lords, he requested me to carry the petition to a noble Lord, who afterwards presented it. On his reading the petition, he expressed his surprize and concern at the magnitude of the sum that had been expended. I entered into conversation upon it with his Lordship, and told him, that his surprise would cease, when he considered that the twenty articles embraced almost every act of a long public life; that the Managers had never given the least intimation of what charges they would sustain, or what they meant to abandon; that, therefore, Mr. Hastings was obliged to be prepared with long briefs and arrangement of evidence upon each, and I was sure it would have cost him three thousand pounds had he paid for the papers from the India House, or that it would have cost him so much to copy them. And, Mr. Speaker, this was a calculation made by me---not from any information that I received from his solicitors, but upon what I conceived to be very good grounds; for I got a copy of the Managers' speeches, in the first session, for a friend of mine, which has since, I believe, been sent to India. With those speeches there was a small part of the proceedings, but I paid forty pounds for them, at the rate of a shilling a sheet, or page; therefore, Sir, upon this calculation, I am morally certain, that it would exceed, and not fall short of that sum; for I think I speak correctly, when I say that the papers upon the revenue article alone, where Mr. Hastings is brought in a Court of Justice to defend systems adopted by the King's Ministers, and approved by this House, fill eight large folio volumes. This, Mr. Speaker, is the fact, and I will take upon me to say, that the noble Lord who presented Mr. Hastings's petition, never told the gentleman, nor any man living, that he conversed directly or indirectly with Mr. Hastings upon the subject; and I am not a little surprized that the right honourable manager should at this time of day detail such a story to this House; for I contradicted it in the fullest manner with my name to it, above a year ago, and if there is any man, Lord of Commoner, who will call my argument in question, let him do it, and I will answer him; it has never yet been contradicted; but as for Mr. Hastings, he has nothing at all to do with it. The next point, Mr. Speaker, to which the gentleman alluded, is, what once fell

from me in this House relative to Mr. Hastings's fortune. That also I am ready to state as it happened, and to meet the whole world upon the truth of it. After three or four charges had been voted in the House, the right honourable gentleman took notice one day, that a considerable quantity of stock had been sold out that morning, and followed this information with some intimation, that it would be necessary to take measures respecting Mr. Hastings. The impression which naturally rose in gentlemen's minds was, that Mr. Hastings had sold his stock. I stated then that he had not more than fourteen or fifteen hundred pounds in the Stocks, and that his fortune, which was not more than fifty thousand pounds, was upon certain mortgages. I abide by the truth of my statements; for, a very short time after Mr. Hastings arrived in England, I gave to one of the first characters in this country a detailed account of Mr. Hastings's fortune, and where every shilling of it was, amounting then, I think, to about sixty five thousand pounds, and it was signed by his attornies. There was also a note to it, that there was some property in Russia, not above three thousand pounds, and considerable sums due to him in Bengal, that had been lent at different times, to some English gentlemen. I stated very fairly, that some of these sums might be recovered, but the probability was certainly against any considerable sums being received. It has happened, that more has been recovered than I calculated upon, but not so as to make a difference to any considerable amount. The right honourable gentleman doubts whether Mr. Hastings has lost any material evidence by death; but he knows that Lieutenant-colonel Eaton died during the recess before the last, and he was a very material witness; but I hope the right honourable gentleman will not go from his word, but consent to examine other evidences now, who are in peculiar situations. One of these gentlemen, Colonel Poteer, came over last year, and this year from Switzerland. It would be of infinite consequence, indeed, to the cause of truth to examine him; for I am convinced that the present impeachment would never have been voted, if that gentleman had been in England, and examined at this bar. As to the motion in your hands, Mr. Speaker, it appears to me to be so perfectly nugatory and harmless, that I shall not oppose it; for it is of no consequence as to what we now vote about this trial. The Court does not meet again till next Tuesday the 18th of May. The House, upon any speculation, cannot continue to sit long enough for much farther progress to be made; and I am sure that after the prorogation, we never shall meet again in the present Parliament, so as to go into Westminster Hall, if we should live to assemble at all again. Under these

circumſtances, any vote, we may now come to, muſt be of very little conſequence.

The Solicitor General. The *Solicitor General* objected againſt the motion, as in his opinion, conveying an inſinuation adverſe to the party upon his trial, which he, as an individual Member of that Houſe, did not think ſufficiently grounded by any thing he had heard.

The Houſe divided;

Ayes, 48; Noes, 31.

Mr. Burke. On the reſumption of the Houſe, Mr. *Burke* ſaid, a diviſion not having been expected, many gentlemen had left the Houſe, and therefore the honourable and learned gentleman's taking the ſenſe of the Houſe, had all the effect of a ſurpriſe.

The Solicitor General. The *Solicitor General* denied that he had acted from any ſuch motive. He ſaw ground of objection, he ſaid, to the firſt motion, but not ſufficiently ſtrong to warrant his taking the ſenſe of the Houſe. To the latter he could not at any rate agree, becauſe the motion proceeded—

The Speaker. The *Speaker* called Sir John Scott to order, and ſaid, he had thought it right to ſuffer him to clear himſelf from the imputation of having acted upon improper motives; but the honourable gentleman muſt ſee the impropriety of his permitting any gentleman to diſcuſs motions again, which the Houſe had already decided upon.

The Solicitor General. The *Solicitor General* bowed to the correction of the Chair, and hoped it would not be out of order for him to declare, that knowing it to be the impreſſion made on many gentlemen near him, that the ſecond motion was objectionable on the ground he had ſtated, he had fallen in with their ſentiments, and aſſigned his reaſons for oppoſing it. He declared, that he ſhould think he deſerved to be conſidered in a worſe light than he could find words to deſcribe, if he was capable of acting upon the unworthy motives aſcribed to him by the right honourable gentleman.

Mr. Grenville. Mr. Secretary *Grenville* moved that the other orders of the day might be read. He added, that he had no doubt but the Houſe in general, and the right honourable gentleman himſelf, acquitted his honourable and learned friend of having acted on any undue motive; he muſt, in juſtice to the right honourable gentleman, however, declare, that to his knowledge many gentlemen had left the Houſe, not expecting a diviſion.

The orders of the day were then diſpoſed of, and the Houſe adjourned.

Wedneſday, 12th May.

Mr. Powys. Mr. *Powys* riſing, obſerved that he would not preſume to trouble the Houſe with any motion which might be conceived to tend to any material alteration of the criminal law;

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the principle of the object of the bill he was about to move had been recognized by Parliament in the general penitentiary act, and in the bill for Gloucester, empowering that county to put persons ordered to be transported to hard labour, until they shall be transported; he wished this act to be generally adopted, that convicts might be separated from the prisoners who were unconvicted, and by whose company, vice, and immorality were rapidly spread. He should therefore move,

"That leave be given to bring in a bill to provide for the "custody and employment of offenders in certain cases, and "for the regulation and government of the places in which "such offenders may be confined."

The motion was agreed to, and the bill ordered to be prepared and brought in by Mr. Powys, Mr. Philips, and Sir Gilbert Elliott.

Mr. Grey

Mr. *Grey* remarked, that he believed the House would do him the honour to incline to his opinion, that it was absolutely necessary, in the present critical and serious situation of public affairs, that they should be put in possession of every information which could be safely given, from particular papers relative to the present misunderstanding between ourselves and Spain. He owned he had, upon mature consideration, changed the motion which he originally intended to make. As such a question as he should propose, might be construed, as if it were designed to embarrass Government, and impede their measures, he found it necessary to declare, that no man felt more strongly for the honour and dignity of the British nation than he did. National honour by some was thought a visionary thing, but he hardly imagined that it would be so considered in that House. He must, therefore, declare this truism in politics, that a nation without honour was a nation without power, for, though it was a trite observation, it was not the less true, that a nation, when it lost its honour, lost its power, whence sprung its spirit, its energy and its action; every nation ought therefore to be careful of that honour; it ought not to be guilty of one single mean submission, lest such submission should countenance other attacks upon its honour, a rigorous maintenance of which was the most likely means of preserving the blessings of peace, and however they might differ in other points, he was confident that there was but one feeling where British honour was concerned. Taxed, however, as we were, almost beyond our bearing, and not having yet gotten rid of the burdens occasioned by the last war, he could not see without concern the prospect of our being plunged into another, which, victorious though it might ultimately prove, must occasion an additional burden on the

people;

peoples it became, therefore the indispensable duty of the House, as the guardians of the property of the nation, to consider well all the circumstances which had led us into our present situation. He reprobated the idea of granting a blind and unlimited confidence to any Minister; he was willing to give a rational confidence, founded on a review of the past conduct of Government. [A cry of hear! hear! prevailing from the Treasury Bench, Mr. Grey said he was happy to perceive the applause from the other side of the House]. In order to enable the House to judge of such conduct, he was induced to move for particular papers, that it might be seen whether we had been hurried on to the eve of a war, by the rashness, by the credulity, or by the inattention of Ministers, or whether it had arisen from unavoidable circumstances, and such as no human foresight could have prevented. If our present situation arose from the latter, the Minister must be obliged to him for the opportunity given him of shewing the fact to the public, and at once, by so doing, clearing up every doubt. At present, there appeared to be ground of strong suspicion and distrust of the present cabinet. When he considered the language holden on the Budget day by a right honourable gentleman, and when he recollected the terms of that speech, and the particular phrases used by the right honourable gentleman, when he described the southern whale fishery as a new source of wealth, and talked of the skill of our seamen, in extracting gold out of the bowels of the ocean, he could not but persist in concluding that the whole of the right honourable gentleman's speech gave the general impression of a long continuance of peace, though, at that time the right honourable gentleman knew of the capture of the British vessels, and the statement of the claims of the Court of Spain; the right honourable gentleman had been unwarranted, therefore, in holding out to the public the impression which he did, and he ought to ask pardon of that House, and of the public for it. The right honourable gentleman kept the capture of the vessel a profound secret, while he was making money bargains in a way more like that of an auctioneer than a Minister. He knew the circumstance on or about the 10th of February, and had been, in his opinion, guilty of a criminal concealment in not acquainting the House therewith prior to the day of the message. Upon these grounds he wished to make his motion for the production of the representation of the Spanish Ambassador to our Court on the subject, with the dates when such information was received, and by them the House would be enabled to judge whether the Minister had taken the necessary measures as early as he ought to have done: and whether he had not been guilty of the most culpable

pable neglect by suffering Spain to continue encreasing her forces without a single enquiry into the purposes for which they were intended. In conclusion, Mr. Grey moved,

"That an humble address be presented to His Majesty, "that he will be graciously pleased to give directions that "there be laid before this House, an account of the Communication made by the Ambassador of his Catholic Majesty "by order of his Court, and referred to in His Majesty's "most gracious message, and the date of the said Communication."

Mr. Lambton.

Mr. *Lamlton* rising next observed, that in justice to his constituents, smarting, as we were, under the effects of the last war, and upon the point of entering into another, he should second the motion. It was, surely, the moment for consideration, and warranted the House to call for every information in their power to obtain. He saw no danger whatever in the production of the paper moved for, nor did he imagine that any danger could arise even by the production of the last remonstrance from Spain; there could be no danger to the country in producing the dates moved for, though there might be to the right honourable gentleman, who might thereby be tried and convicted of improper and highly censurable secrecy. Mr. Lambton mentioned that the ships in Nootka Sound had been taken by a fleet of which it was the duty of Ministers to watch and guard against their motions. He contended that should Jamaica be captured at this time, the blame would justly fall on Ministers, for not having known earlier the state of the navy of Spain, and the positive destination of their fleet. He insisted upon it that the wantonly involving ourselves in hostilities was the readiest mode of precipitating a national bankruptcy, which, though it had proved of great and essential benefit to France, could not fail of being ruinous to England. He declared that he could not help feeling alarmed at the prospect of a war and its consequences. In England every thing was to be dreaded from a national bankruptcy. He compared what had happened to a storm, shaking down an old, ruinous, and ill constructed fabric, whereas, here a similar disaster would prove like an earthquake, swallowing up all at once a well erected and beautiful building, at which the world had been accustomed to look, during the course of successive centuries, with envy and admiration.

Mr. H. Browne.

Mr. *H. Browne* observed, that whilst he was ready to admit that honour was the support of the nation, and ought invariably and tenaciously to be maintained, he did not wish for hostilities, and was heartily a friend to peace; but he could not agree that this country was not able to go to war. Feelings of humanity, were there no other reason, would incline

cline him to desire that there might not be a war, but he thought that this country never had entered so justifiably into a war as she would do with Spain at this time, nor with such advantages arising from the prosperous state of the country, the great increase of our imports and exports, and the flourishing condition of our commerce in general. The Minister who could be led to the giving of papers at such a moment as the present, would be destitute of those qualities which could alone enable him to carry on a war with success: courage and prudence. The right honourable gentleman had proved himself an able Minister in time of peace, and he hoped that he would convince the world that he was as well qualified for a war Minister. By withholding papers he would at once prove his courage and his prudence, for by such a conduct a Minister committed himself, and his character, to the unbiassed opinion of the people. In a Minister's responsible situation, to disclose secrets for the sake of getting popularity, would be both imprudent and pusillanimous.

Colonel Phipps.

Colonel *Phipps* remarked, that if the honourable gentlemen who had made and seconded the motion, felt as they did, the necessity of maintaining the high reputation of the country, he was astonished that they could turn their attention from the main object, to collateral circumstances. If they were convinced of British vessels having been captured, and their crews carried into captivity, what reason could they have against the country taking up the quarrel; endeavouring first by negociation to obtain ample concession; or, if the insult should be persisted in, to go immediately to war. The present was not a fit moment to be entering into an investigation of the character of the Minister, by calling for papers which might betray the negociations carrying forward: If gentlemen meant to impeach the conduct of Ministers, let them openly state their grounds of censure, and not, when unanimity was necessary, enter into the examination of their conduct, unless they meant to follow it up with an address to the Throne for their removal. The Colonel said that he thought the language of the honourable gentleman who seconded the motion, calculated to undervalue the resources and strength of the country, and consequently to hold out encouragement to our enemies. If the present motion should be agreed to, gentlemen might upon the same grounds, move for the whole treaty piece-meal, and make the House the negociator instead of the King, with whom the power was constitutionally lodged. Colonel Phipps vindicated the conduct of the Chancellor of the Exchequer, in respect to the time at which he brought forward the information; he declared that the Minister would have been

blameable

blameable to have advanced it during the prospect of a remedy, and had he advanced it prior to the vigorous steps taken for the naval armament, the opportunity of a speedy supply of men would have been lost; he was convinced, that the right honourable gentleman would be happy to meet any gentleman in the vindication of his character whenever that could be done with safety to the country. If his conduct ought to be made an object of censure, that censure would come time enough when the negociation was over. Were it possible to draw an extremely serious conclusion from the arguments of the honourable mover and seconder, one might infer that the Minister meant to abandon the southern whale fishery and the trade to the north-western coasts of America, whereas his efforts were all directed to preserve both. The Colonel alluded to an expression which had fallen from Mr. Sheridan on a former day, when he said, "Who should set "bounds to the efforts of a great and glorious nation?" and he observed that it was the high sense of honour and spirit, which prompted us when the national honour was at stake, to act with firmness and decision.

Mr. *Taylor* observed, that it was impossible for the House to have forgotten either, how the country stood within a few days, or that the substance of the King's speech, as well as the Minister's language on the Budget day, was peace. With regard to the preparations for armament in Spain, he declared that he had long heard of them in the city, and had been asked whether we were going to war? when the only answer he made was, "wait till the Minister opens his Bud-"get, and then you will see." And when the Budget was opened, he did not understand that the Minister gave a hint of a probability of war, upon which all in the mercantile line were satisfied. He should conceive, that if we had any important negociation going on in Spain, we ought to have had an Ambassador there. It was extraordinary that we had no Ambassador there, and the more so as our having an Ambassador at the Hague was in great measure the cause of our success in that negociation. If this country paid Ambassadors, they paid for their abilities, and an Ambassador should have been at Madrid to have taken care of the British interest. Most certainly (added Mr. Taylor) if Ministers had received any previous intimation of the approaching rupture with Spain earlier, they ought to have communicated it earlier. Mr. Taylor

Mr. *Martin* having made mention of obligations to the right honourable gentleman, but more for his financial than his political measures, added that he should vote against the motion, unless he heard very good reasons to shew that the production of the papers would create no mischief. Mr. Martin.

Mr. Rolle. Mr. *Rolle* declared that he was aſtoniſhed to find an honourable gentleman, who had ſo large a ſtake in the country, the vehicle of ſuch a motion. He ſhould not have wondered if it had been made by a right honourable gentleman (Mr. Fox). Did gentlemen conſider the danger of the motion?

Mr. Windham. Mr. *Windham* ſaid, that ſome honourable gentlemen had choſen to repreſent it as a matter of courage and prudence for Miniſters to throw themſelves on their character, and to preſerve the moſt unexampled ſilence. They did, he owned, ſeem to have carried that principle to perfection: whereas, if there was ground of objection to the motion, reaſons ought to be aſſigned againſt it; his honourable friend ſupported the motion with reaſons not a little powerful in their nature. There was, indeed, one example which could apply as an *argumentum ad hominem*, which the honourable gentleman near him (Mr. Sheridan) had introduced, and that was the example of the great Lord Burleigh, whoſe profound ſilence comprized all his ſtateſman-like qualities. An honourable gentleman had put a queſtion to himſelf, which he forgot to anſwer. He had aſked what the danger of the motion was? and he had not ſtated what it was, nor did there (Mr. Windham declared) appear to him to be any danger in it. There might be danger in producing papers in ſome particular inſtances, yet the probable danger muſt ariſe out of the peculiar circumſtances of each particular caſe. If papers were always refuſed under ſuch circumſtances, there was an end of their beſt function, the power of prevention. The honourable gentleman who ſpoke lately had ſaid, the production of the papers might affect the meaſures now going on: if His Majeſty's Miniſters would declare that, let them have the date without the paper. Perſons had contended that this was not the time for enquiring into the conduct of Miniſters. Now, he ſhould conceive there was no time ſo proper to know the character of Miniſters as founded on their conduct, as at that moment when the country was on the eve of a war. According to the other argument, Miniſters would have nothing to do but to involve the country in a war, and make that war a reaſon for ſupporting them, let their conduct be ever ſo blameable.

Mr. Wilberforce. Mr. *Wilberforce* obſerved that it was aſtoniſhing, how different things would ſtrike different people. In times of war, if he diſtruſted an Adminiſtration (he declared) he would not be for enquiring into their characters, unleſs he was ſure it would do no harm; and, in like manner, the Houſe ought not wantonly and lightly to go into the enquiry of the conduct of Miniſters. If the Houſe were not unanimous in their ſupport of an Adminiſtration, in ſuch times,

times, they could not act with that firmness with which they otherwise might act. He deprecated the production of the paper moved for, which, if admitted, would lead to the production of the whole of the negociation; whereas, when that was ended, the enquiry might commence with propriety. The conduct of Administration did not warrant distrust. He begged the House to remember what their conduct had been in the dispute between France and Holland, which was similar to the present; that negociation had been carried on during a recess, but he was inclined to believe, that if the Parliament had been sitting, and papers moved for and produced relative to that negociation during its progress, it would not have ended as happily as it did for the interests of this country.

Mr. *Fox* remarked that, when the honourable gentleman gave his opinion so different from the reasons on the one side of the House, and when he considered that there were no reasons on the other, he did hope that the honourable gentleman would have pointed to something which his honourable friend had said, that could, by fair argument, have been refuted, because it must have struck the House that what his honourable friend had observed concerning the motion was perfectly right, whereas the honourable gentleman who spoke last, had spoken as long on the subject as any gentleman on that side of the House, but, instead of assigning a reason for his arguments, had gone into a kind of general panegyric till he seemed lost in the clouds of praise of the right honourable gentleman's good character, and was totally out of sight of the question. There was no similarity whatever in the cases of France and Holland compared with that of Spain at present. With regard to a Minister's relying on his character, the last defence a criminal resorted to was always an appeal to general character. Mr. Fox took notice of what Mr. Rolle had said of his wondering that an honourable gentleman who had so large a stake in the country (as Mr. Grey possessed) should have made such a motion as the present, and had declared, that he should not have been surprised if he (Mr. Fox) had made it. He would have that honourable gentleman know (Mr. Fox added) that there was no Minister, no, nor any man of Acres, felt a greater stake in the honour of the country than he did. It was not merely the extent of a person's estates which gave him a superiority over another. Such an idea was replete with coarseness and absurdity. The honour of the country was to be supported at all hazards. The honour of a country, and not territory, was the true and only fit cause for going to war at any time, and if he were to take the paradoxical side, it would be of the question for the sake of argu-

Mr. Fox.

ing that nations should go to war for territory, for profit and commerce, and individuals for honour. He would say, that there never was a war, which did not, in the calamities of it, and the expence, greatly overbalance the profits of the country which occasioned it. A war for the support of the national honour, was the only politic and wise war; and the only way to obtain a lasting and permanent peace, was, by such a defence of national honour. When Spain seized a British ship, that House was bound to resent it, and by negotiation or by war (if war could not be avoided) to obtain redress and reparation. Mr. Fox, adverting next to the subject of confidence due to Administration, contended that the present was the proper time for investigating the characters of Ministers, when they were calling for confidence, which was another name for personal partiality. The honourable gentleman had remarked that they gave greater confidence to a general than to a magistrate, and that they must be profuse in their confidence to what they would be in time of peace. For his own part, he thought confidence necessary, but that confidence ought always to spring from a knowledge of the conduct and characters of those whom they must trust, [a loud cry of hear! hear.] Undoubtedly confidence given to Ministers must be governed by their conduct. An honourable gentleman who spoke early in the debate had observed, that it was not only more prudent but more courageous for Ministers to avoid enquiry and trust to their characters, than to bring their conduct into general view. Courage had been so much described, that he had heard some fanciful persons declare that he was the bravest who suffered himself to be kicked: because he despised the opinion of his adversary, he was called courageous. It had been asked: did they want to move an Address to remove his Majesty's Ministers? This was the most premature question, perhaps, ever stated. Let them have the information, and they should be able to judge to what lengths it would become their duty to proceed. The first paper granted the House would decide whether there was ground for calling for others, but it was a bad argument to refuse the first, lest it should make others necessary. If the paper then moved for would give ground to call for another, by refusing the first, the House were stopped *in limine*. Much general argument had been used on the advantage of unanimity. His honourable friend had not stated, that unanimity was of no advantage, but had said there were two sorts of unanimities. He believed, if unanimity was ever of advantage, it was in resolving to support the national honour; and he had not yet heard of a dissentient voice on the propriety of arming and preparing for war.

For

For arming they were unanimous; but they could not possibly be unanimous in their opinions of the character of any Minister.—The Minister who aspired at the greatest popularity never conceived so wild a desire. That sort of unanimity was to be despaired of but in one view. If unanimity was to be courted by a Minister, it must be to know that many were unanimous in their applause of his conduct. Different parts of a Minister's conduct might challenge different opinions, and create more or less unanimity of applause; for instance, perhaps some might think the right honourable gentleman's insidious mode of taxation, and his conduct, on various subjects, respecting which, fortunately for himself and the country, he had failed of obtaining his end, were not those points, perhaps, on which mankind would be unanimous in applause. If it should appear from the papers that the right honourable gentleman's conduct had been prudent in the present instance, he should have his approbation. In Sir Robert Walpole's time, it had been questioned whether it was politic to make demands on Spain? He would not enter upon the discussion, whether in Sir Robert Walpole's it was or not. But, he would speak to the present application. It had been said, "wait till this negotia-"tion is over." What were the papers (he asked) and what did they give? The substance they had already in his Majesty's message, but not the date, and if there was no danger in that communication, there could be no danger in the date. Mr. Fox contended that from the moment of the first intelligence being brought to Ministers that the Crown had received an insult, Parliament ought to have been acquainted that there was no certainty of peace. The right honourable gentleman did not deal fairly, by giving them in the Budget an impression of peace, and stating the Southern whale fishery as the main pillar of our prosperity, when he knew that the foundation of war was laid by that very fishery. It was not enough for the right honourable gentleman, from his warm and sanguine disposition, to content himself with thinking that those appearances would disappear. The House had heard of balls and suppers given by Ambassadors, who had concealed the death of a prince, or some of their country's blood royal, in order that they might not destroy the enjoyment of the night's pleasure. And they had now heard of Ministers, who had, in the moment of trumpeting forth the prospect of lasting peace, concealed the information of perhaps inevitable war, that they might not destroy the enjoyment of the day. An honourable gentleman over the way (Mr. H. Browne) had declared that if the feelings of humanity did not forbid it, instead of regretting a war with Spain, he should rejoice at it: but, surely, the

the advantages of a cultivated peace were more fortunate than the future and uncertain event of war. As to himself, he had always been sanguine in respect to the resources of the country, but not so sanguine as to contend that we could easily have a sufficiency of additional taxes without making them an untolerable burthen to the people. An honourable gentleman had asked who shall give limits to a great and glorious people? He pretended not to limit them, but he was not so sanguine as to think that they were boundless. Mr. Fox, now added that he would read the motion which he had made for the address to His Majesty for papers; and which Ministers had contended were not to be granted. But Ministers, he contended, were bound to give good reasons (he should always affirm) to justify their refusal of the papers for which that House had called; and unless they had advised His Majesty to communicate the message from the Court of Spain, they ought to have sunk in silence their boasted statement of the Southern fishery.

Lord Mulgrave

Lord *Mulgrave* observed that, howsoever the right honourable gentleman might have been pleased to allude to groundlessly supposed ministerial expectations of receiving from opposition what he had termed a blind partiality, the administration only presumed to claim that constitutional public confidence due not from individual Members of Parliament but from that House collectively, as the Representatives of the People, to the executive Government of the country, in respect to an important negociation then in progress with the Court of Spain. Gentlemen knew it was the prerogative of the Crown to choose its own servants, and that those servants were responsible to that House for every part of their conduct, but that the House would forget its own functions and assume those of the executive Government, if it interfered, as the motion obviously tended to interfere. From what the honourable gentleman who seconded the motion had remarked, it should seem as if it designed to proceed step by step, to unfold the circumstances of the treaty now negociating. Lord Mulgrave added: if there be any man who fights for a Minister's place, let him fight fairly against the garrison, and let him call for all the papers, which can be given without injury to the interest of the country, and Ministers, he had ever understood, were bound to furnish papers, when they were called for, unless they were able to assign a satisfactory reason for withholding them; and in this case, he thought that a satisfactory reason had been assigned; and, surely, it was wrong to anticipate the effects of a war, and render an amicable adjustment difficult, if not impossible. Gentlemen would please, also to recollect, that they were always unanimous in get-

ting

ting into a war, though they differed in every part of the detail of the war afterwards. With regard to the Southern whale fishery, it was certainly a valuable object, and must, at all events, be maintained. As to the question which he had heard agitated, whether the trade to the North-western Coasts of America was authorized by Government, he should exclaim: "Heaven forbid, that any British subject should "go to the executive Power to ask where to trade." It would be better for this country that Spain should be joined by the most powerful nation in Europe as an auxiliary, than that she should have, as her auxiliaries, an over inquisitive House of Commons. The last war had exhibited a proof of danger of calling for papers; and, upon the present occasion, he could not avoid lamenting over the intervention of any difference between this country and Spain, which was an honourable, a great, and a generous nation, the inhabitants of which were congenial to Englishmen, and had ever shewn for them a warm and strong friendship. Lord Mulgrave observed that he still remembered the pointed attacks which were made, during the course of the last war against the first Lord of the Admiralty (the Earl of Sandwich) when the right honourable gentleman had drawn so thin a veil over his meaning, as nearly to have charged the noble Lord with having been corruptly bribed by France, by saying, "I do not impute corruption to the noble Earl, but I de-"clare, if he had been paid for it by France, he could not "have acted more friendly towards her, and more hostilely to "this country than he has done." He hoped that the right honourable gentleman, now, knew more of the noble Earl's character than to suppose that he merited any such insinuation: a more active, able, and upright Minister (he was persuaded) had never sat at the Admiralty board since its first institution.

Mr. *Fox* remarked that he could not conceal his astonishment at discovering how much the noble Lord seemed to take a peculiar pleasure in reminding those who were now friends, and were once not so, of former times and circumstances, which it must be painful to their recollection to be reminded of. With regard to the noble Earl who had, last war, presided over the Admiralty, disagreeable as it was to declare it then, he certainly had not approved of his conduct, as first Lord of the Admiralty, and he had several times made several warm attacks on that conduct; but, though he had used the arguments alluded to by the noble Lord, he had not used them in the ironical way in which they had been put by the noble Lord, but had plainly and explicitly said what he really thought, that if the then first Lord of the Admiralty had been paid by France, he could

Mr. Fox.

not

not have pursued a line of conduct more friendly to that country or more hostile to this. He had, however, at the time declared with equal explicitness that he was far from meaning to impute any corrupt motive to the noble Earl. He never had entertained a thought so injurious to the noble Earl's honour.

Lord Mulgrave

Lord *Mulgrave* answered that he knew the right honourable gentleman had found his own error in attacking the noble Earl in question, because, in less than two months after he had declared the navy to be in a state of ruin, he had heard him assert that it was in a most flourishing condition. Lord Mulgrave proceeding to a comparison of his own character and that of Mr. Fox, was called to order.

Mr. Fox.

Mr. *Fox* repeated, that he never had made such a charge against the first Lord of the Admiralty, as had been mentioned.

Mr. Marsham.

Mr. *Marsham* could not, he owned, perceive any danger of any kind which was likely to arise in consequence of laying the papers called for upon the table; but, if any gentlemen, in authority, would get up, and solemnly declare, that they saw danger in giving them, he would vote against the motion.

Mr. Pitt.

Mr. Chancellor *Pitt* remarked that he rose merely to answer the question put to him in so candid a way by the right honourable gentleman, and he wished to be fully understood. He would not say whether there was any specific or particular danger in any one particular paper, because that (he conceived) would be improper; but he should have no difficulty in declaring, that in his opinion there was great danger in laying any paper on the table of the House, pending a negociation, to the matter of which that paper, in any degree, referred.

Mr. Powys.

Mr. *Powys* having premised that the right honourable gentleman had observed, that he would not give his reasons why he thought the production of the paper asked for dangerous; added that his reasons were not wanted; and that it would be enough for him, or for the other right honourable gentleman (Mr. Grenville) near him, who was high in office to assert that it was dangerous. On that issue, precisely, the question stood, and if either of the right honourable gentlemen would make the assertion (Mr. Powys said) he would vote with them against his own conviction of the innocent tendency of the papers in question. He add d, that, otherwise, he must vote for the motion, but that he should think those gentlemen who declared that the paper would be dangerous to be produced, at this moment, should have pledged themselves that they would hereafter produce it.

Mr. *Martin* said that, in his former speech, he had declared that he should vote for the paper being produced, unless a good and satisfactory reason could be assigned to shew that it ought not to be produced. He therefore was at liberty to vote as he thought proper. Mr. Martin.

Mr. Alderman *Sawbridge* conceived that the Ministers of the country had brought it into a bad scrape. He declared that if by their treaties with Prussia and Sweden, instead of our natural allies Russia and Austria, the interests of the country were injured, and we were forced into a war, Ministers ought to lose their heads. He asserted as a fact, within his own knowledge, that two days before the press began, persons nearly and deeply connected with Administration, had opened policies in the city, giving ten guineas to receive one hundred, if press warrants were not out in two days. Mr. Ald. Sawbridge

Mr. Chancellor *Pitt* said, that he should not have answered the honourable Magistrate's speech, but there was one part of it which he could not suffer to pass unnoticed; it was the assertion, that to his own knowledge, two days before the press began, persons nearly connected with Administration, had opened policies, giving ten guineas to receive one hundred, if press warrants were not out within two days. If the honourable gentleman could satisfy him who those persons were, he should feel himself under infinite obligations to him, and he would be glad to receive the satisfaction either in public or private, or wherever the worthy Alderman best liked. Or if any person connected with the honourable gentleman could give him any information on the subject, he should esteem it as a favour, because it ought to be known who it was that had been guilty of so base and criminal a proceeding. Mr. Pitt.

Mr. *Bastard* observed, that if he were to vote from the argument of the day, he must own that he had heard none from the other side of the House, and therefore, he must take one from that on which he stood. Mr. Bastard then stated, that it struck him, that if the motion were agreed to, other papers must be produced, and the whole of the negociation now carrying on with the Court of Spain must be developed and laid open, which would unavoidably, be attended with great inconvenience and great mischief to the country. He should hope that some measures of reprisal had been taken, observing that Spain had some fleets coming home, and was besides vulnerable in several parts of her dominions; he trusted, therefore, that Ministers would exert themselves, and that they had already availed themselves of the necessary steps for supporting the national honour, in case that the negociation should not prove successful. Mr. Bastard.

Mr. Grey. Mr. *Grey* declared, that when he listened to the remark of the honourable gentleman who had just sat down, that he had heard no argument from the other side of the House, and that he would take one from that, he had expected that the honourable gentleman would have ended his speech, with declaring, that he would vote for the motion; but, how surprised was he to find the honourable gentleman declare he should vote against the motion, and ground that declaration on an argument which he should have been sorry to have heard from any of his friends. Mr. Grey commented on Mr. Browne's argument respecting a Minister's exemplification of courage and prudence. Several gentlemen had argued against the motion, as a motion of censure; whereas the ground on which he had moved the House, had been, that he thought this a proper time for enquiry and information, and as a motion of inquiry and information, he had expressly opened it on the broad principles of national honour. The great purpose of his rising a second time, was to complain of two or three insinuations which he considered as personally injurious to himself. An honourable gentleman had said, that his argument went against any war, let the necessity be what it might; he begged leave to tell him that he had used no such arguments; he had observed that the necessity being proved, the honour and dignity of the Crown must be supported, but he had lamented that the necessity existed, being convinced that the most brilliant success would be inadequate to the expence of the war; and above all, he had lamented that, taxed as they were already, almost beyond their bearing, they must again have recourse to the imposition of new taxes, and additional burthens, on that most useful of all description of persons, the labourer and the artisan; for lay the taxes as they would, they must fall on the necessaries of life, or efficient taxes to carry on a war could not be found. He deplored this as a misfortune which every man must reflect on with regret and concern, and therefore, he could not avoid exclaiming with the Poet:

> By heaven I had rather coin my heart,
> And drop my blood for drachmas, than wring
> From the hard hands of peasants their vile trash.

Mr. Grey next adverted to the Chancellor of the Exchequer's declaration, that he would not go into the matter of the communication, nor assign his reasons for resisting the motion; all he asked for, was the date of the earliest communication, on which depended the proof whether Ministers had done their duty or not. By circumstances, they were able to trace it back within a month, and he conceived the House had a right to know the fact. An honourable gentleman

man (Mr. Rolle) had addressed himself to him and signified his astonishment that a person who had so large a stake in the country should bring forward such a motion, and desired to know if it was the intention of opposition to blow up the flame of war? He begged to be informed by that honourable gentleman on what ground he presumed to ask that question, and what part of the conduct of those, with whom he had the honour to act in that House, it was which warranted the surmise? With regard to the declaration that the honourable gentleman should not have wondered, if his right honourable friend had made such a motion, but that he was surprised that he who had so large a stake in the country should have done it; Mr. Grey said, Heaven forbid that he should be one of those who thought that a rich man had a greater stake in the interests or honours of this country than a poor man, and he agreed entirely with his right honourable friend, that every person had an equal stake in it, and he must add, that those who valued themselves on their estates, seldom had any other superiority than their riches to boast of. He hoped to found any superiority he might have to boasts on much better grounds. With respect to his right honourable friend, if a life spent in the service of the public, if the most perfect disinterestedness, if a total disregard of personal interest and private consideration entitled a man in a peculiar degree to the esteem of his fellow subjects, his right honourable friend was so entitled. He desired therefore to renounce all compliments insidiously meant at the expence of his right honourable friend, and if the honourable gentleman offered what he had said with that view, he rejected his compliment with disdain, and would hold such a man to the contempt and abhorrence of the public.

Mr. *Rolle* asked if the honourable gentleman recollected a few years since, when he brought forward in that House an inquiry into the conduct of a noble relation of his own.—— Mr. Rolle.

Called to order.

Sir *William Cunynghame* spoke to order. Sir William contended that Mr. Rolle was neither speaking in explanation nor to the question. Sir Wm. Cunyghame.

Mr. *Rolle* answered, that he conceived when any gentleman was personally alluded to in the House, it was always allowed him to clear his character; he would however say no more than that he retorted on the honourable gentleman the strongest of the strong expressions which he had applied to him. Mr. Rolle.

Mr. *Lambton* observed, that he had spoken under some embarrassment, and perhaps for that reason had gone beyond his own ideas at the moment. In regard, however, to the observation of an honourable gentleman and a noble Mr. Lambton.

Lord, (Colonel Phipps and Lord Mulgrave) that he wiſhed to bring the treaty piece-meal into that Houſe, and to proceed ſtep by ſtep till that Houſe took upon itſelf the negociation, and thus aſſumed the buſineſs of the executive Government, he muſt beg to diſclaim any interference with the Royal Prerogative whatever.

The Houſe divided;

Ayes, 121; Noes, 213.

While the Ayes were in the Lobby, Mr. Fox deſired gentlemen not to leave the Houſe, as he meant to move, that the date of the firſt communication be inſerted in the papers to be preſented in conſequence of his Majeſty's anſwer to the Addreſs of the Houſe.

A ſhort debate aroſe after the Houſe was reſumed, in which Mr. Fox, Mr. Sheridan, and other Members took part, and on the queſtion being put, the Houſe divided;

Ayes, 119; Noes, 203.

The Houſe adjourned.

Thurſday, 13th May.

Mr. Welbore Ellis. Mr. *Welbore Ellis* moved, that the petition of William Knox, Eſquire, be read

The ſame having been read, Mr. Ellis obſerved, that he ſhould content himſelf with moving to refer the ſame to a Committee of the whole Houſe, and if any objections were made, he ſhould then think it neceſſary to ſay a few words in reply.

Mr. Roſe. Mr. *Roſe* obſerved, that the petition ought not to be referred to a Committee of the whole Houſe. Mr. Knox's caſe had nothing in it, which made it ſuch as entitled it to be conſidered ſeparately and diſtinctly from the caſes of other Claimants as American loyaliſts, and Mr. Knox had the leſs reaſon to urge ſuch a claim, as his Majeſty had eleven years ſince, been graciouſly pleaſed to grant Mr. Knox an annuity of 1200l. a year, as a compenſation for the loſs of his office of Secretary to New York, which had been afterwards, at Mr. Knox's requeſt, changed to an annuity of 600l. to Mrs. Knox for her life. Mr. Roſe detailed all the circumſtances which had taken place at the Treaſury reſpecting Mr. Knox's claim, from the period of his having been Secretary to the Firſt Lord when Lord John Cavendiſh was Chancellor of the Exchequer, to the preſent day.

Mr. Ellis. Mr. *Ellis* oppoſed to theſe remarks the hiſtory of Mr. Knox and his ſervices to the public, ſtating, that they had early ſo far recommended him, that his Majeſty had between the year 1770 and 1776, appointed him Marſhal of Georgia; that his conduct in that ſituation had ingratiated him ſo much with the Colony, that they had choſen him their Agent,

Agent, that he had afterwards been nominated by his Majesty, Secretary for New York, that the place was worth 1000l. a year, that on the loss of that Province, his Majesty had been graciously pleased to grant Mr. Knox a pension of 1200l. per annum, which had been afterwards changed to the respective annuities of 600l. for his own life, and that of his wife. Mr. Ellis dilated on the grounds upon which he thought Mr. Knox entitled to a compliance with the prayer of his petition, not confessedly as a matter of right, but as a strong claim on the liberality and generosity of Parliament. Mr. Knox had in consequence of his eminent services been appointed Under Secretary of State, in which situation he had continued for a considerable time, and afforded his Majesty and his superior in office the most complete satisfaction.

Lord *Westcote* seconded Mr. Ellis's motion.

Mr. *Wilmot* detailed to the House all the particulars of Mr. Knox's claim, as it had been made out before the Commissioners appointed to enquire into the claims of the American loyalists, and stated the grounds on which the Commissioners had acted respecting it. Mr. Wilmot.

Mr. Chancellor *Pitt* gave his reasons for thinking that the petition ought not to be referred to a Committee, the case not appearing to him to be entitled to a separate consideration from other claims preferred by different persons. Mr. Pitt.

The motion was negatived.

Mr. *Francis* rose to make the motion, of which he had given notice the preceding day, relative to the Ambassadors sent to the Court of Madrid since the peace, their income, emomulents, perquisites, &c. a motion, which he said, was obvious, proper, and natural at this time, since it was calculated to obtain information important in itself, and ultimately connected with the present state of affairs between Great Britain and Spain, without betraying any possible secret of state, and which had also the advantage of not being liable to much debate. Feeling that the motion was of the nature that he had described. Mr. Francis said, he saw no occasion for him to trouble the House long, as he did not conceive there existed a ground for rational objection, since the facts that formed the substance of the motion had already been given to the public, though but loosely and separately, and therefore his object was to bring them before the House collectively, authoratively, and in such a shape as should be consistent with the forms of parliamentary proceeding. In the mind of every man, who knew not all the circumstances of our situation, but had merely heard as much as his Majesty's message communicated to Parliament, it would, Mr. Francis remarked, be an obvious question, "What said our "Ambassador Mr. Francis.

"Ambassador on the subject?" Such a man would say, "You tell me of a communication to our Court by the Spanish Ambassador, but what says our own Ambassador at Madrid? I should rely with greater confidence on what he said, than on what you tell me the Spanish Ambassador in London has declared; because on the spot, and thence possessing a knowledge of all that has passed in Spain, and the preparations, which are said to be going forward in the ports of that kingdom, I can, with greater certainty, form an idea of the intention of the Court of Madrid, from his dispatches, than from any thing I hear through any other medium." When, to a person so circumstanced, it was said, "we happen to have no Ambassador at Madrid at present," he would naturally answer, "I imagine then that accident, illness, or adverse winds occasion his absence." Upon being informed, that his non-residence was not to be ascribed to either of these causes, his resort would be to his confidence in the Minister's professed love of œconomy, and he would suppose that it was upon an œconomical principle, that it had been thought proper to do without an Ambassador at Madrid, and he would look to the savings of the year for the amount of the expence. How miserably, said Mr. Francis, would such a man be disappointed in the present instance? He would find after he had pushed his enquiry to the utmost, that his confidence had been abused, and his expectation disappointed; that we had sustained the expence, but never experienced the advantage of the service Mr. Francis begged leave to remind the House of the duties and services of an Ambassador at a foreign Court, and to shew that they were such as were not capable of being properly executed by a Minister of inferior rank, or little consideration. In the first place, it was the duty of an Ambassador to keep a vigilant eye on what passed at the Court and in the country where he resided; to watch its motions and designs, and to take care to have early and authentic intelligence, and to communicate to Administration at home all that he saw or learnt, which challenged in his own mind suspicion, or indicated preparation for foreign hostility, the object of which was not clear, distinct, and ascertainable. Above all, his principal function was to maintain a good correspondence between the two Courts. It was his duty likewise, to negociate in respect to any matters in dispute between the two countries, or not perfectly understood, as far as the negociation were practicable, and where he saw occasion to remonstrate against the conduct of the Government, when he thought it threatened disadvantage to his own country, with such a degree of firmness as the circumstances of the case might require. An Ambassador,

Mr.

Mr. Francis said, ought to be a man of birth and rank sufficient for the station; because, finally, when remonstrance should have failed, in the very act of his recall, without taking leave, he should be a proper person to announce, with dignity to all Europe, the resentment of his Sovereign. Mr. Francis expatiated on the advantages which a man of rank, acting in the character of an Ambassador, had over a Secretary of an Embassy, a *Chargé d'Affaires*, or a Consul. Whenever there was occasion to negociate, an Ambassador had audience and access when he thought proper to demand them, either of the Sovereign or his Ministers: he had an opportunity also of forming connexions with the Nobility, which a Consul, or inferior Minister, had not; and even his recall without taking leave, was an honourable way of declaring war; a way, that we could not have if there was no resident Ambassador; and he contended there ought to be one at Madrid at all times, as Spain was a country with which we ought perhaps more earnestly to cultivate a sincere and well-grounded friendship, than with any other European nation. If the duties and services of an Ambassador, which he had described were important, Mr. Francis observed, that the neglect of them must necessarily be important, perhaps criminal in the same proportion; and it was a question naturally resulting from what had recently past, how did they know that the present rupture might not have been prevented, if we had a man of abilities, rank and authority, at the time upon the spot? He was aware that it was not always necessary that a man of very high rank should be the Ambassador at the Court of Spain. A person of respectable character of the middling rank was perhaps as fit for the station as a person of any other description. An Ambassador to the Court of Spain ought, Mr. Francis said, to be what we styled a *Gentleman*, or as the Spaniards termed it, a *Cavallero*. The Spaniards still adhered to their distinctions between the new and old nobility of this country. They did not value a *Titulado* merely, but liked a respectable gentleman; he must, however, be a character without blemish, for in that particular the Courts of Spain and Portugal were peculiarly punctilious. Mr. Francis mentioned the instance of Sir Benjamin Kneene, who certainly had not the advantage of high rank, and yet Sir Benjamin was greatly respected by the Spaniards, proved a very useful Ambassador, and did himself and his country great credit. At this important juncture, he remarked, that we had no Ambassador at the Court of Madaid, and he had already shewn that in a moment of exigency, and when affairs were critically situated, a *Chargé d'Affaires*, or Secretary of Embassy, could neither

ther command the respect, nor act with the efficacy or authority of an Ambassador.

Having dwelt on these particulars, Mr. Francis stated that since the peace in 1783, in seven years there had been but four appointments to the Court of Spain, and of them only one Ambassador had ever gone to Madrid, and he had not continued there above ten or twelve months. The first Ambassador appointed had been Lord Mountstuart, who had been in nomination from March to December, but who never set out. He declared he meant no reflection on Lord Mountstuart, for whose character he had a very high respect, and the noble Lord had acted in a manner becoming himself; for, on the change of Administration in 1783, the noble Lord resigned his appointment, and refused to take any salary. The person next appointed was the Earl of Chesterfield: but before he proceeded, Mr. Francis desired to be understood as intending to say nothing disrespectful of any of the names he should mention; it was indifferent to him who the persons were, the facts were sufficient for his argument. The Earl of Chesterfield was next appointed, but instead of going to Madrid, the noble Lord set off for Paris, where he (Mr. Francis) happened to go and saw his Lordship; he had occasion, Mr. Francis said, to go to France again the next year, and there he found the noble Earl exactly as before, remaining at Paris in the character of Ambassador to the Court of Spain, and though the Earl was in nomination nearer three years than two, he went no farther than Paris. The reason of this, Mr. Francis said, he did not precisely know, but he had heard that the difficulty lay in the Court of Madrid's not having appointed a Conde, or person of equal rank with an English Earl, to come to the Court of London as Ambassador. If the fact were so, he thought great blame was due to Ministers for not having taken care beforehand to secure that the Court of Madrid should have engaged to send an Ambassador of the same rank with the Earl of Chesterfield to our Court. The third person appointed Ambassador to Madrid, Mr. Francis observed, had been Mr Eden, a gentleman well known in that House, and particularly to the side of it on which he stood. Mr. Eden went to Spain in the summer of 1788, and continued there till the same season of 1789, about ten or twelve months after which he left it. From this circumstance, it was evident that Mr. Eden did not find his situation perfectly agreeable to him, or he would not have left it so soon; especially when it was recollected that he had taken his family with him, which must have been attended with considerable expence, and was next to a convincing proof that he intended to have continued at Madrid much longer, when he first set out for that capital.

On

On Mr. Eden's return home, he found His Majesty had been graciously pleased to grant him a pension for life of 2000l. a year, which Mr. Francis commented upon as a most extraordinary circumstance. He said, he was apprized that it was not altogether unusual to grant a pension of 2000l. a year for life to such Ambassadors as had served their country long on foreign stations; but as Mr. Eden had only been at Madrid ten or twelve months, he did not think the rule applied to his case. Mr. Francis mentioned the report that had gone abroad of Mr. Eden's having experienced a difficulty in respect to his pension, in consequence of the great seal having been refused to be put to his patent by the Lord Chancellor. Whether that difficulty had since been got over, Mr. Francis said, he knew not; but he had ever supposed that the pension was not given but at the conclusion of long service, and not to an Ambassador who had resided little more than ten months. Having made these observations, Mr. Francis remarked, that the last of the four Ambassadors appointed to the Court of Spain, in the course of the seven years that had elapsed since the conclusion of peace in 1783, was Mr. Fitzherbert, who had been appointed a few months since, and had set off only a few days ago. On the conduct of Ministers respecting the nomination of Mr. Fitzherbert as Ambassador to the Court of Spain, and that gentleman's late departure on the business of his embassy, Mr. Francis grounded several observations. Mr. Fitzherbert, he said, he understood to be a respectable character, and a man of abilities, but he appeared to have been detained improperly, and now dispatched improperly. Mr. Fitzherbert had been appointed three or four months ago, and he had reason to believe that Mr. Fitzherbert had leave to stay at home for some time, he understood for a twelvemonth. This fact he took to be proved by the circumstance of Mr. Frazer having received his appointment of Secretary of Embassy, together with the powers and rank of Minister Plenipo, which, Mr. Francis said, were never given to a Secretary of Embassy, but when there was an intention that the Ambassador was not to proceed, and to enable the Secretary of Embassy to act in his absence. He next contended, that Mr. Fitzherbert having hitherto been suffered to remain in England, ought not to have been sent out now, considering that we had received an insult, and ought not to do any thing that looked like advance or submission to the insulting Court. It was reported, that Mr. Fitzherbert was gone to Paris, to wait there till the return of the messenger from Madrid. If so, Mr. Francis declared, he thought it a curious mode of proceeding, exclusive of the disgrace it reflected on us in the eyes of all Europe, by shewing, that so anxious were we, after what had passed, to make

up matters with the Court of Spain, that the moment there ſhould appear a probability of opening a door to negociation, we were impatient to take advantage of it; that was, Mr. Francis thought, very far from the manly line of conduct we ought to purſue on the occaſion. But theſe conſiderations out of the queſtion, he aſked, what had Mr. Fitzherbert to negociate? The King's meſſage, after ſtating the nature of the inſult, ſaid, "a demand has been made, by His Majeſty's "order, for adequate ſatisfaction, and reſtitution of the "veſſels, previous to any other diſcuſſion." After that high language, Mr. Francis ſaid, it was impoſſible that our Miniſter could ſhew an inclination on his part to court negociation, without diſgracing his country. Having dwelt upon theſe obſervations, Mr. Francis recurred to the ſubject of our having had only four Ambaſſadors appointed to Madrid during the laſt ſeven years, and the great expence it had coſt the country in ſalaries, ſervices of plate, &c. He ſaid, if Miniſters could appoint to nominal embaſſies in this manner, with all the emoluments and no ſervice, the law that reſtrained the Crown from granting penſions above a limited amount (Mr. Burke's bill) might be evaded to any extent. The Miniſter had nothing to do, but to nominate ſome young friend as Ambaſſador to a foreign Court, and to ſay to him, "You need not go to Madrid, to Peterſburgh, or to Warſaw (or wherever the embaſſy might be appointed to) we don't want you there. Go to Paris, or Italy, or wherever you pleaſe. Improve your education by foreign travel, and you ſhall have four, five, or ſeven thouſand a year to pay your expences." Mr. Francis ſaid, he believed he had made every obſervation that was neceſſary, and had only to move,

"That an humble addreſs be preſented to His Majeſty, "that an account be laid before this Houſe of the dates of "the ſeveral appointments of Ambaſſadors from His Ma-"jeſty to the Court of Spain ſince the concluſion of the "laſt peace, and of the periods of the reſpective reſidence of "ſuch Ambaſſadors at the Court of Spain; and alſo the "amount of the ſalaries, and all other emoluments what-"ſoever, received by, or due to, the ſaid Ambaſſadors reſpec-"tively."

Mr. Pitt. Mr. Chancellor *Pitt* obſerved, that as the motion called for no information which was not, in a great meaſure, already before the Public, and he did not think there would be any ſort of difficulty in collecting the information in queſtion, he ſaw no objection againſt its being produced.

Mr. Martin. Mr. *Martin* declared, that he had a great reſpect for the gentlemen on the other ſide, and often voted with them, but he ſincerely hoped that they would abſtain, in the preſent critical ſituation of affairs, from bringing forward any factious

tious or vexatious motions, tending to embarrass Government. The present motion he thought exceedingly proper, and he was glad to find that no objection was likely to be made to it. He had no doubt but that when the matter was enquired into, it would be found that the right honourable gentleman, (the Chancellor of the Exchequer) who had, in many instances, proved himself a friend to œconomy, had not put the nation to an unnecessary expence in the case of foreign embassies.

The question was put, and the motion agreed to.

The House adjourned.

Friday, 14th May.

The order of the day for the House to resolve itself into a Committee of the whole House, to consider farther of the American claims having been read, and Mr. Steele having taken the chair,

Mr. Chancellor *Pitt* rose, and begged leave to remind the Committee, that of all other cases, the case of the Penn family was under such particular circumstances as to require a distinct consideration; indeed there was no case to which it bore any immediate analogy. The amount was so large, that though it was impossible on the one hand, to approach at all near to an adequate compensation, yet the merit and services of that family were so eminent in the history of this country and others, that he conceived it would be the wish of the Committee and the nation at large to make a liberal provision. The Commissioners, to whom this and all other claims of this nature had been referred, had not been able, after omitting many parts of the claim, and taking into the account only such parts of the property as were really productive and valuable, to put a less value on the property than the sum of 500,000. The elder branch of this family was, at the time when the family were dispossessed of the property, a minor, resident in this country, which in that respect, was similar to the situation of Mr. Harford, whose case had been considered two years ago; the other branch, though resident in America during the war, was found to have been loyal, notwithstanding that he was under the necessity of acquiescing for a certain time in the existing government of the country. Another circumstance likewise, besides that of its magnitude, which distinguished the case was, that the state of Pennsylvania, sensible of the great merit of the family, had granted a sum of 130,000l. sterling, to be paid by instalments after the war. The fact was however, that only 11,000l. had been paid since that time, and Mr. Pitt.

though the Penn family had no reason to doubt the ultimate payment, yet at present they had not been relieved altogether in the manner which was intended. Under these circumstances, the case came before Parliament, and what he should propose to the Committee would prove somewhat different from what had been done in any other case: instead of a sum of money, a rent charge would with the permission of Parliament, be settled on the family, subject to the same uses to which the property was subject payable out of the sinking fund. This would remain as a mark or token of the merit of that family, and also of the national munificence. Now, in the case of Mr. Harford, to which this bore the analogy, the sum granted was 70,000l. out of 250,000l. Under all these circumstances, he proposed to the consideration of gentlemen, that 4,000l. per annum should be granted according to the mode which he already had described

Mr. F. Montagu

Mr. *F. Montagu* observed, that as the grant of an annuity, instead of a gross sum, was as well liked, and met entirely with his approbation, he should not enlarge either upon this circumstance or upon the merits of the Penn family, although the last might afford ample room, not merely for discussion, but for panegyric. Undoubtedly we owed the Island of Jamaica to the exertions of Sir William Penn, the founder of that family; and the Government of Pennsylvania, universally regarded as the most perfect model of Government ever carried into practice, had likewise been the work of the same illustrious character. The only question now before the Committee was, the quantum of the annuity intended: the family would be thankful for whatever the munificence of Parliament extended to them; but he could not help suggesting, that an addition of 1000l per annum to that sum would prove more proportionate to the magnitude of the loss, and that the same proportion applied to this case, as was applied to Mr. Harford, would amount to 150,000l.

Sir Mat. White Ridley.

Sir *Matthew White Ridley* remarked, that whilst he acceded to the proposition in favour of the Penn family, he could not help taking notice of the great hardship of the case of Mr. Harford, which was discussed two years ago; and for which an express rule was made for the purpose of cutting his compensation down to the sum of 70,000l. when his claim had been near 500,000l. The former sum was not adequate to the situation he was bred to; but, on the contrary, a mere pittance, in proportion to the immense loss.

Sir

Sir *Grey Cooper* begged leave to remind his honourable friend that the case before the Committee, was not that of Mr. Harford, but that of the Penn family. He subscribed to every word which had fallen from his honourable friend below, and hoped the right honourable gentleman opposite to him would adopt the proposition of 5000l instead of 4000l. per annum. Sir Grey Cooper.

Sir *James Johnstone* trusted, that as the nation was brave, so it would be liberal, and that the large sum would be adopted; that he had lately been of a Committee on the Isle of Man; but what was that in comparison of the whole kingdom of Pennsylvania! Sir James Johnstone

Mr. *Fox* observed, that although no man entertained a stronger conviction than he did of the innate virtues of the family of the Penns, and of their hereditary merit with this country; yet, he could not avoid declaring, that it appeared to him that the sum proposed, when compared with that given to Mr. Harford, was a very proper compensation. The case laid down, when that case was before Parliament, was, as he recollected, that small losses were to be compensated in full, but that the proportion of compensation was to diminish in proportion to the magnitude of the claim, and that when the loss got beyond a certain extent, it was to have no additional compensation at all. He did not know whether any thing farther could be done for Mr. Harford; but if not, he did not see how any compensation beyond the annuity already proposed could be granted to Penn and his descendents. Mr. Fox.

Mr. *Wilmot* remarked, that taking the compensation to Mr. Harford at 70,000l. an annuity of 5000l. per annum was still less than the proportion between the two cases; he did not understand the rule to be, that when the loss was beyond a certain extent, it was to receive no compensation at all; but he rather understood that it was to be only a smaller compensation. In comparing the cases, there were two circumstances which he wished to mention for the consideration of the Committee; one was, that although Mr. Harford himself received only 70,000l. yet other branches of Lord Baltimore's family had received 20,000l. more, which were charges on the Maryland property, so that in fact, this country had paid 90,000l. in the whole to the family of the late Lord Baltimore; this sum of 20,000l. was undoubtedly a relief to Mr. Harford, because it freed him from those charges upon the estate; taking therefore the ratio of 90,000l. to 230,000l. and applying that to the loss of 500,000l. it would be found that 5000l. per annum was a still less proportion than the compensation granted to Mr. Harford. The other circum- Mr. Wilmot

circumstance he alluded to was, that the compensation in this case, as in the case of Mr. Harford, did not all go to one branch, but was divided between two distinct branches, in the proportion of three to one, so that it was fair to compare the whole of what was granted to one family for one province, with the whole of what was granted to the other family for the other province. He trusted it was not inconsistent with the character he had lately acted in as a Commissioner, to state these circumstances, and especially as they induced him to think, that though 4000l. per annum was handsome and liberal, yet that 5000l. per annum was more proportionate to the compensation granted to Mr. Harford.

Mr. Marsham. Mr. *Marsham* deducting 130,000l. from the loss of the Penns, considered the loss they had sustained at 370,000l. and then keeping in view what had been granted Mr. Harford, he thought 4000l. per ann. not quite a sufficient compensation.

Mr. Pitt. Mr. Chancellor *Pitt* expressed his apprehensions that it might prove not absolutely equitable to consider the 130,000l. the same as actually paid, though it was right to take it into the account; he thought it his duty, in his situation, not to be too liberal in what he had submitted to the Committee; at the same time, it was very difficult in a case so peculiarly circumstanced to strike out exactly the due proportion of compensation; for, though it had somethings in common, it stood in many respects by itself; he cou'd not consider, however, what had been granted to Mr. Harford, as a mere pittance; but rather, every circumstance considered, as a munificent compensation.

Mr. Francis. Mr. *Francis* thought it necessary at all times to be œconomical of the public money. In his opinion, what had been proposed was quite sufficient, and, in case of a division, he hoped he should not vote with the Minister in a minority on this occasion.

The motion for 4,000l. per annum was carried.

In

In order that our readers may receive every elucidation connected with the fubject of the foregoing debate, we beg leave to offer to their perufal,

A STATEMENT

Of the CLAIMS examined, and LOSSES allowed, by the COMMISSIONERS appointed to enquire into the LOSSES and SERVICES of the AMERICAN LOYALISTS, up to the 25th of March 1790, and of the SUMS which have been already granted on account thereof, and of what remains for confideration of PARLIAMENT, purfuant to an Order of the Honourable HOUSE OF COMMONS of the 31ft of March, 1790.

Of CLAIMS made by, and LOSSES liquidated of, AMERICAN LOYALISTS.

		Loffes of Property.						Loffes of In come	
	No. of Claims.	Amount of Claims.			Loffes allowed.			Amount of Claim per Ann.	Lofs of In. per Annum found.
Claims examined, and loffes liquidated as per ftatement of 12th June, 1789,	2238	8,034,970	13	11	2,950,013	2	11	108,430	80,372
Do. and additions made to other claims in confequence of farther evidence, up to the 15th of July, 1789,	1	1,012	0	0	14,936	0	0	1,647	1,216
Claims examined, and liquidated under the act of 1789, up to the 25th of March, 1790,	52	180,143	12	0	68,142	0	0	3,361	2,630
	2291	8,216,126	5	11	3,033,091	2	11	113,438	84,218
Claims difallowed	343	953,442	9	5					
Do. withdrawn, -	38	153,115	9	2					
Do. not profecuted	553	1,035,728	19	3					
Total	3225	10,358,413	3	9	3,033,091	2	11	113,438	84,218

Of the Sums which have been already granted, and what remains for Consideration of Parliament.

Amount of sums which have been already granted by Parliament - -	1,917,238	3	0			
Deductions directed by the act of 1788, and on account of annual allowances being continued to the parties beyond the time when interest commenced on their compensation - - - -	179,088	15	6			
				2,096,326	18	

	per ann.
Amount of pensions paid to 204 persons on account of losses of income	25,785
N. B. This is exclusive of annual allowances to 588 persons chiefly widows, orphans, and merchants, to the amount of - -	28,673

Amount of what remains for Consideration of Parliament.

	No. of Claims.						
Claims liquidated of various persons to 25th of March, 1790. Classes, 1, 2, 3, 4, 5, 6, 7	138	224,406	1	0			
Ditto of the Earl of Coventry, and Lord Viscount Weymouth, trustees under the will of John Earl of Granville, deceased, v. Special Report, Class 8.	1	60,000	0	0			
Ditto, of John [illegible], [illegible] and John Penn, sen. Es[illegible] v. Spec[illegible] Report, Class 8.	2	500,000	0	0			
Ditto, of Robert [illegible] Fairfax, and the trustices [illegible] the will of Catharine, Lad[illegible] Fairfax, v. Special Report, Class 8.	1	60,000	0	0			
Ditto, of subjects or settled inhabitants of the United States, many of which are cases of great merit or peculiar hardship, Class 9.	44	32,462	6	0			
Ditto, of persons who appear to have relief provided for them by the treaty of peace, but state the utter impossibility of procuring it, Class, 11.	2	14,010	0	0			
Ditto, of creditors on the ceded lands in Georgia, v. Special Report, Class 12.	11	45,885	17	0			
					936,764	4	5
				£.	3,033,091	2	11

	per ann.
Amount of income allowed under the acts of 1788 and 1789, -	3,730

Mr.

Mr. *Sheridan*, adverting to the Exchequer bills lent to the East-India Company, remarked that he should take up but a short time of the House in the discussion of a subject rather of a dry nature, but which nevertheless would afford some information, and was indeed very interesting to those who duly considered the importance of preserving the national credit. New events had lately made other matters give place, and those new events had produced new doctrines, which in the eyes of some might render his motion objectionable. He declared, however, that he was not one of those who, in the first moment of a probability of hostilities, thought the Minister entitled to that unlimited confidence, which they had lately heard so much of, as well as that an inquisitive House of Commons was the worst enemy the country could have. Neither did he think, that at such a moment, every thing of a nature distinct from the important topic which rendered military preparation necessary, was to give way, and that they were to take it for granted, the Minister had so much upon his hands, that he ought not to be expected to listen to any other business whatsoever. There were matters certainly, which, though unconnected with the subject that had so much engaged the public attention within the last ten days, were very essential objects of consideration, and well worthy the attention of that House. That which he intended to bring forward, was one of them. It was impossible to mention the matter without recurring to what he had so often complained of to the mode of temporizing which the right honourable gentleman had adopted ever since 1786, instead of fairly stating to the public what the real situation of their finances was, that system of concealment for the sake of making the public believe their affairs were better than they really were, and then having recourse to expedients from time to time to enable the business of Government to be carried on. That this appeared to be the system pursued, (Mr. Sheridan said) was an opinion which he would still maintain, notwithstanding the use that might be made of it, and the clamour that might be raised against all who thought as he did, and who might be represented to the public as holding language dangerous and depreciating. It might be said, that when it ought to be the common interest of all to raise the spirits of the people, by representing their affairs in the best light, they were running them down to the disadvantage of the public and the encouragement of our enemies. None of those imputations (Mr. Sheridan declared) would ever make him shrink from what he thought his duty. Be it peace or be it war, he would continue to state things as they really were, not having a doubt upon his mind but that by so doing, by publishing to that House, to the

Mr. Sheridan.

the people at large, and consequently to the whole world our real situation, we should be best enabled to extricate ourselves out of any difficulty or embarrassment which might arise, and best secure the national safety. Concealment might serve a temporary purpose, but in the end the consequence must prove mischievous in the extreme. If Parliament were not to look into the state of their affairs from time to time, they had better, instead of voting a million, rely at once on the Minister for the business of Parliament, let him make war, conduct it just as he thought fit, grant him whatever he asked for, and when it was ended, let him say he would settle the accounts when it suited him, and in the manner he liked best. Mr. Sheridan, at length proceeded to the main object of his motion, and desired that the clause of the act of 1783, which contained the condition of the public's paying off the Exchequer bills, if not paid by the East-India Company by the 5th of April, 1786, might be read. This being read, he observed, that he agreed entirely with the honourable Baronet (Sir Grey Cooper) behind him, (who had first drawn his attention to the subject, and whose observations were at all times well worthy attention) that in suffering those Exchequer bills to remain unpaid to this day, Government had acted directly contrary to law. He mentioned the two sums of 300,000l. and 200,000l. paid into the Exchequer in the year 1789 and 1790, by the East-India Company, on account of demands made on them by Government, but not acknowledged by themselves, and contended that out of those sums the Exchequer bills in question ought to have been paid off; for the act of Parliament expressly stated, that if the East India Company were to fail in their engagement, the public should take it upon themselves, and the Exchequer Bills should become a charge upon the Sinking fund. He asked, had this been done? Certainly not, and therefore he asserted that the law was broken by Government as it had been by the East-India Company. The Bank also, in continuing the loan, set a dangerous precedent, and if followed, it would lead ultimately to a national bankruptcy. There were three parties in this business, the East-India Company, who was the borrower of the money, the public, who gave the security, and the Bank, who advanced it; but the right honourable gentleman was personally interested in it, because it was his duty to see that the act was complied with and the money paid before the 5th of April 1786 When, on opening his budget, the right honourable gentleman had stated, that he had taken the 300,000l. paid by the East-India Company for duties as part of the income of the year, he could not fairly say he had gained 300,000l. but that he had borrowed so much. All

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the confusion which had occurred in this business, and all the difficulties which the right honourable gentleman had found it necessary for four years back to encounter, (Mr. Sheridan maintained) had been owing to what he had so often lamented to the right honourable gentleman's fatal and unfortunate error, in not having made his stand in 1786, and brought forward the affairs of the country as they really were, and taken the proper and effectual means of making the national income equal to the expenditure, either by an adequate reduction of the establishments, or by having recourse to some mode of encreasing our income. it was the more to be lamented that the right honourable gentleman had not done so in 1786, because, perhaps, in the annals of the country, no Minister ever could have taken such a step under such peculiar advantages. The right honourable gentleman at that time had an opposition calling upon him to take such a step, and willing to support him in it, willing also, as far as an opposition could, to share in the responsibility of the measure; the right honourable gentleman had likewise the advantage of a confiding House of Commons, and, what was still a farther advantage, it was well known to every person that the right honourable gentleman had not had the smallest share in having occasioned the burthens under which the people then laboured. Instead of having done what he had just described, the right honourable gentleman had kept back the true state of affairs, and ever since proceeded on a system of expedients. Mr. Sheridan declared, that in consequence of the situation of affairs, and from other considerations, he had charged his intended mode of proceeding, but he would read to the House five or six resolutions, from which the House would, at one view, collect all the facts that formed the features of the business. [He here read six resolutions, stating, that the East-India Company had been enabled by Parliament to borrow 300,000l. that the public lent Exchequer bills for that sum by way of collateral security to the Bank of England; that the engagement was, that if the said bills were not discharged on or before the 5th of April 1786, the amount of the bills was to become a charge upon the Sinking Fund, and to be provided for out of the first aids of the year which should be voted after the 5th of April; that the bills were not discharged before that day, and that they yet remain undischarged.] Those resolutions (Mr. Sheridan said) he had intended to move, but he would content himself with moving a single one, to which he conceived there could be no sort of objection, as it would strengthen the hands of the right honourable gentleman, and enable him to manage future loans with the Bank with greater ease. He then moved, "that

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"the East-India Company do pay off the Exchequer bills "for 300,000l. lent them in 1783, on or before the 5th day "of January next."

Mr. Pitt. Mr. Chancellor *Pitt* declared that he could not suffer it to pass with entire acquiescence that it had been the system of the present administration to keep back from the public a view of their situation, because he thought the very reverse had been the fact; and that the true state of the finances had never been so plain to the comprehension of every man, by simplifying every account; and he was persuaded, that he spoke with accuracy when he made that assertion; nay, he might appeal to the House, whether measures had not been taken by the present administration to bring every thing fairly before them, to shew in the clearest light, what was, from time to time, the exigency of each particular case, and what the extent of that exigency, so that the House might know in the fullest and most ample manner, the grounds on which every measure proposed to them was situated. The honourable gentleman conceiving, probably, that we were on the brink of a war, seemed to mention one loan as likely to be followed by others; he did not, for his part, wish to anticipate the expences of a year of war, and he hoped that matters might be so managed that little, if any of the vote of credit, would be necessary to be expended; but he flattered himself, that if affairs should take an unfavourable turn, the system of administration would be in war as it had been in peace, to endeavour to make timely provisions against the hour of necessity, firmly to pursue the steps most conducive to increase the means necessary to support the additional expences of the country, and steadily to adhere to the plan already in progress for that most desirable of all ends, the diminution of the national debt, and the ease and relief of the burthens of the people. As to the subject before the House, it was, certainly, true that the public had lent it's credit for collateral security to the Bank for the 300,000l. advanced to the East-India Company. He admitted also the honourable gentleman's account of the whole of that transaction, and that the Exchequer bills in question had not yet been paid off. All this was true, but, it happened in point of fact, that the Bank in 1786 took the bills as a collateral security, in right of which they could not come upon the public before they had previously applied in vain to the principal, and the Bank had kept the bills without issuing them at all, and, therefore, the money could not possibly have been applied, had it been provided. It was, besides, to be recollected, that, in every year's estimate of the East-India Company the 300,000l. Exchequer bills had been stated by the company as a debt due from

from them; the transaction, therefore, was perfectly well known to the public, and there could not, consequently, exist for a moment, a pretence, that there was any design on the part of Government to conceal the fact, that the Exchequer bills in question still remained undischarged. As a farther proof of this, the honourable gentleman would see, by looking to the Statute Book, that, by a subsequent act, the Company were authorized to accept bills to a great amount, and prior to that, the army charges, which were current charges and expences, were to be paid off before the surplus was appropriated to other purposes. With regard to the allusions to the state of the finances, and the charge against Ministers of temporizing, that he had been answered; but, the honourable gentleman had been pleased to say that he had a personal interest in the business. He, certainly, had; but, it was not very separate from the interest of the public, nor very distinct from the interest felt in common by every Member of that House. If, however, the measure was in itself right, he would leave it to the honourable gentleman, whether the motion which he had made was the best means of reaching his own object; for, supposing that the Bank were entitled to demand the amount of the bills from the public, he much doubted whether the House would think proper, by a resolution of theirs, to order a private company to pay a specific sum of money to a large amount, by a particular day. The honourable gentleman, he presumed, would, for his own sake, alter his motion. In conclusion, the Chancellor of the Exchequer declared that he felt himself obliged to the honourable gentleman for his wishes to strengthen the hands of Government, and enable him to treat with the Bank for the loan of the vote of credit; and he had the satisfaction to inform him, that the difficulty which the honourable gentleman had been so good as to express a desire to assist in smoothing, had been already surmounted, the Bank having consented to advance the money, as fast as the public occasions should require it. Having moved the previous question, the Chancellor of the Exchequer concluded his remarks, and,

Mr. Fox.

Mr. *Fox*, rising next, said that he could not avoid taking the liberty to observe that the right honourable gentleman, who, it was well known, could state things as clearly as any gentleman in that House, seemed to have slurred over one or two points which his honourable friend had completely proved. The right honourable gentleman had done all but confess that the had broken an Act of Parliament, and it was a very serious consideration to break an Appropriation Act; such Acts should (he thought) be sacred in the highest degree. They had ever been, hitherto, holden peculiarly sacred,

sacred, and that for a good reason, because, if Parliament broke its faith in matters relative to loans, the time would come when the credit of the public would be lost and no money could, after that period, be raised, let the exigency of affairs be what it might. When the public had empowered the Bank to lend the East-India Company 300,000 l. and as an inducement, had engaged to be responsible if the debt were not discharged by the sixth of April 1786, the public, from the date of that day became bound, and it was no longer a debt of the Company to the Bank, but a debt due from the public to the Bank. That the Bank must call first on the Company before they came upon the public, Mr. Fox utterly denied; after the sixth of April, the public was no longer a collateral security, but became a principal in the transaction, and there no longer existed any necessity for the Bank to call first on the Company. The right honourable gentleman had been pleased to affirm that no Exchequer bills had yet been issued by the Bank; whether the amount had been called for or not (Mr. Fox said) he knew not, but it might have been called for, and therefore the argument was the same. Mr. Fox referred to the manner in which the Chancellor of the Exchequer had on the budget day stated the unfunded debt, and contended that he ought to have added the 300,000l. to it. He reasoned to prove that the public, from the year 1786, had been kept in a state of delusion, whereas, if the right honourable gentleman had thought fit, he might have provided for the Exchequer bills in question, by paying them off with others. The right honourable gentleman spoke, indeed, handsomely of the mode of carrying on the war, which, he intended to pursue, but, from the right honourable gentleman's conduct in peace, he could not give much credit to his promises. He understood the right honourable gentleman as declaring that he would have his loans so to be managed as not, in point of fact, to delay the period of relieving the people from their burthens. This, indeed, deserved commendation; but, it did not, by any means, follow from hence, that the Act of Parliament remained unviolated.

Mr. Pitt. Mr. Chancellor *Pitt*, in answer declared that he had meant to state, that, if in case of a war there should be any new loans, he designed to provide for more than would prove adequate barely to pay the interest, in proportion, at least, to the reduction of the debt, as the Act of Parliament, at present, required.

Sir Grey Cooper. Sir *Grey Cooper* said, that, as the facts which were the ground of the motion, and the arguments to support those facts, had been most clearly stated and most ably enforced by

by the honourable member who made the motion, he would not trouble the House with a repetition of them; but, he thought it his duty to make some few observations on the speech of the right honourable gentleman, which he conceived to be of great public and parliamentary importance. The right honourable gentleman had, fairly, admitted that the provisions and restrictions of the Act of the year 1783, ch. 83, had not been complied with: that in point of fact, the sum of 300,000l. advanced to the East-India Company by that Act, had not been repaid as it ought to have been, on or before the sixth of April, 1786. The right honourable gentleman had, also, admitted that for the Exchequer bills then remaining undischarged and uncancelled, no provision had been made out of the aids and supplies for the said year 1786, and that by the failure of this provision before the fifth of July, 1786, the said Exchequer bills had fallen and become a charge upon the sinking fund, now called the consolidated fund. He begged leave to warn the House of the danger of the admissions of the right honourable gentleman; it was a precedent of the most alarming nature, to allow the period fixed by an Act of Parliament for the repayment of money advanced on Exchequer Bills to expire, and to make those bills receivable in the payment of taxes, and to be issuable and re-issuable out of the Exchequer. Unless this great inconvenience were prevented by some special agreement, it was neither more nor less than allowing the Minister to be the judge, whether it was expedient, in point of time, or other circumstances, that an Act of Parliament should or should not be obeyed. He hoped, that, from this warning, no such power would ever again be assumed. There was another matter which he conceived to arise out of this transaction and which he submitted to the attentive consideration of the House. By section 7 of the said Act of 1783, the Bank is authorized to advance the said sum of 300,000l. on the credit of the said Exchequer bills, any thing in an Act made in the 5th and 6th of King William and Queen Mary to the contrary notwithstanding. Sir Grey Cooper desired that the 30th section of the said Act of William and Mary might be read, by which it is provided and enacted, "that if the Governor, &c. of "the said Company shall, upon the account of the said "corporation, at any time or times advance, or lend to "their Majesties, &c. any sum or sums of money by way "of loan or anticipation, or any post or posts, branch or "branches, fund or funds of the revenue now granted, or "hereafter to be granted, other than such fund or funds of "the said revenues only, on which a credit of loan is or "shall be granted by Parliament, they shall personally suf-

"for the penalties inflicted by the said Act." He had the highest respect for the great corporation of the Bank of England, and had been in the habit of reposing confidence in their management and in their Act, and he knew that they were directed in all matters of consequence by the advice of their counsel, (who were always amongst those of the highest rank at the bar.) But he thought it his duty, as a Member of that House, to submit to them a doubt with respect to the legality of the proceeding of the Bank, in this instance. He conceived that when the said sum of 300,000l. (which became due and payable by the original compact in the Act of Parliament on the sixth of April, 1786,) remained unpaid, and the bills uncancelled, and when no provision was made out of the supplies for the repayment of them before the fifth of July, 1786, the power given to the Bank by the Act of 1783, to advance the said sum of 300,000l. expired; and if any subsequent convention was made by the Treasury, the Bank and the East-India Company, or by the Treasury and the Bank, or the forbearance to issue the said bills, or for the Bank's continuing to hold the said bills on the security of the public, till the same should be repaid by the said Company, it was a most irregular proceeding, and a most dangerous precedent.

Mr. Steele. Mr. *Steele* having premised that he did not break silence from any vain intention to cope with the honourable Baronet on points of law, but to shew by plain reasoning why he thought that the law had not been broken, added that the Act of Parliament did not oblige the holders of the bills in question to demand payment, and, therefore, if the Bank, considered as individuals, holding the Bills, had never issued them, he did not see that Government were to be responsible for not having discharged what had never been demanded.

Mr. Fox. Mr. *Fox* contended, that if by a convention between the Bank and the Treasury, the Exchequer bills had been withholden, the Bank had acted in a manner not authorized by law; and if, on the other hand, the Bank, as individuals holding the bills in their possession, had neither offered them in payment of taxes, nor otherwise called upon the Exchequer, they might have been presented for payment, and the Exchequer ought to have provided the money for them.

Mr. Thornton. Mr. *Thornton* (Member for Hull) asserted that the Bank had acted by the advice of the best legal authority, and that the Bank must make the demand for the 300,000l. in the first instance, on the East-India Company. He confirmed what the Chancellor of the Exchequer had said relative to the Bank having consented to take the million, declaring that they had, that morning, settled it.

Mr.

Mr. *Baring* described the whole as a transaction entirely between the Bank and the Company, and perfectly legal; and added that the Company were not in the flourishing state their affairs were now in, when they borrowed the money, and that they were ready to satisfy the debt at any time. Mr. Baring.

Mr. *Francis* asked, if the Bank had any other security than that of the Exchequer bills for 300,000l.? Mr. Francis.

Mr. *Thornton* begged leave to observe that, if the question were addressed to him, he would not answer it. Mr. Thornton.

Mr. *Baring* said that the Bank had nothing to do with the Exchequer bills, they did not belong to them, but were lodged by the East-India Company as a collateral security for money which they borrowed of the Bank. Mr. Baring.

Mr. Chancellor *Pitt* maintained, that, equitably, the Bank could have no demand on the public, till they had made a demand on the East-India Company. He put the case of one man borrowing a sum of money of another, and a third person lending his note or bond as a collateral security. They well knew, that, in equity, the first person would not be allowed to obtain payment of the sum, which he had lent to the second, from the third person, unless he could shew that he had applied first to the second, who was unable to pay the money. Mr. Pitt.

Mr. *Fox* answered that, the case might be so in equity, but they were talking of an express enactment of an Act of Parliament, which was paramount to all principles and rules of proceeding in equity. Mr. Fox.

Mr. *Sheridan* contended that the Bank, by their conduct, had gone near to forfeit their charter. He read an abstract from the Act of William and Mary, to prove that the Bank had no right to suspend a demand on Government, through a convention with the Treasury; and he remarked that the law of the land expressly forbade the Bank from making any loan to Government, without the knowledge and approbation of Parliament. If by such an indirect way, the Bank could assist Government, and evade the Act of King William, that Act would become nugatory, and one of the first and leading principles in the Bill of Rights undermined and subverted. The East-India Company never could pay the amount of the Exchequer bills to the Bank. By the Statute the money was bound to be paid into the Exchequer, and there to be reserved, till the bills were brought and cancelled as discharged. Mr. Sheridan.

Mr. Chancellor *Pitt* appealed to the Chair, and to the House, whether under the pretence of speaking in explanation, it was regular for the honourable gentleman to make a series of new assertions, totally foreign to the subject in discussion, Mr. Pitt.

discussion, and which must necessarily call assertions in contradiction from him, and unavoidably create another Debate.

Mr. Sheridan. Mr. *Sheridan* rose again, and after a few more words, was called to order by the Chair. Mr. Sheridan then observed, that after what had passed, he was determined to move all the resolutions which he had read to the House.

The question was put, in consequence of the previous question having been moved, "That the question on this "resolution be now put," when the House divided,

Ayes, 39; Noes, 70.

The previous question was also carried on the other resolutions, three excepted.

The House adjourned.

Monday, 17th May.

Mr. Chancellor Pitt delivered the following message from His Majesty to the House; and the same was read by the Speaker, the Members standing uncovered.

"G. R.

"His Majesty, desirous of conferring a special mark of "favour on the Rev. Doctor Willis, by granting him a pen- "sion of one thousand pounds a year net for twenty-one "years; but not having the means of rendering such grant "essential, without the assistance of Parliament, recom- "mends it to his faithful Commons to think of a proper "method of enabling His Majesty to settle such a pension "for the term proposed, in the most effectual manner, on "the said Doctor Willis, his heirs or assigns."

The said message was, upon motion, ordered to be taken into consideration upon the morrow.

Mr. Burges presented the following account of the dates of the several appointments of Ambassadors from His Majesty to the Court of Spain, since the conclusion of the last peace, and of the periods of the respective residence of such Ambassadors at the Court of Spain; and also the amount of the salaries, and all other emoluments whatsoever, received by, or due to the said Ambassadors respectively.

Lord Viscount Mountstuart, appointed Ambassador March 12, 1783.

Received no part of the appointments.

Earl of Chesterfield, appointed Ambassador, January 1, 1784.

£.
2,400 value of plate.
1,500 equipage.

£.
100 per week ordinary allowances.
1,600 per annum extraordinaries.
Received ordinary and extraordinary allowances, from Jan. 1, 1784, to March 13, 1786, 14,969l. 10s. 10d.

Lord Auckland, appointed Ambassador July 5, 1787.
£.
1,500 equipage.
7,500 salary per annum.
Arrived at Madrid, May 5, 1788.
Left ditto, June 2, 1789.
Received salary from June 5, 1787, to Nov. 24, 1789, amounting to 17,920l. 10s. 6d.

Mr. Fitzherbert, appointed Ambassador, November 25, 1789.
£.
1,500 equipage.
7,500 per annum salary.
Amount of salary (received or due) to April 5, 1790—2,712l. 6s. 6d.

The House having resolved itself into a Committee of the whole House, to consider on the Six-weeks License Bill, and the same having been read,

Mr. Rose moved several resolutions.

After they had been all carried,

Mr. *Sheridan* complained against the practice of receiving reports on the same day that the Committees sat, and the system of procrastination which he charged Ministers with pursuing, in respect to the public business this session, in like manner as it had been customary for them to do in every session, declaring that their system clearly was to put off every great and interesting concern till it was impossible to procure either the necessary attendance or attention to the subject. The mace had been on and off the table every quarter of an hour the whole day, as if they were at boys play, instead of being engaged in the dispatch of serious and important public business. He asked what their constituents would think of such conduct, and so shameful a mode of proceeding? Mr. Sheridan.

Mr. *Rose* declared that he had never intended to move that the resolutions should be reported that day, it being directly contrary to the established practice of the House to receive a report of any resolutions relative to duties imposed on the subject on the same day on which they were voted. With regard to the imputed system of procrastination, he utterly denied that any such system was pursued. The public bu- Mr. Rose.

 siness

ſineſs had, throughout the ſeſſion, been brought forward as early, and with as much expedition as, in the nature of each caſe, was practicable. In reſpect to the mace having been frequently taken off the table that day, and reports of Committees made immediately, he had only moved that one report of a Committee of the day be received, and that was, on the ſubject of a bill, to which there was not, as he underſtood, the ſmalleſt objection—the bill for the relief of the coaſting trade. As to the number of the bills introduced, he had, he believed, had the honour to introduce three, and no more, and thoſe were, as their titles ſufficiently ſhewed, bills which could not, in the nature of things, have been introduced ſooner.

Mr. Sheridan. Mr. *Sheridan* contended, that the bill juſt alluded to, was as important as, and perhaps the moſt important of, any one bill introduced that ſeſſion. What he complained of was, that a bill of ſuch magnitude had not been introduced when the Houſe was more fully attended, and when gentlemen could pay it the conſideration it deſerved. He was glad, however, late as it was, that ſome notice was at length about to be taken of the numerous petitions on the table, complaining of a noble Lord's (Hawkeſbury) famous Manifeſt bill, and that ſome redreſs was to be afforded to thoſe who ſuffered under its oppreſſions, which he underſtood were great. The honourable gentleman had obſerved that he had only brought in three bills that day. He, perhaps, had forgotten that a noble Lord, who had juſt left the Houſe, went away after having performed his taſk, and laid his pile of bills upon the table; that the Chancellor of the Exchequer had alſo introduced ſeveral, and therefore, though it had been left to the honourable gentleman laſt of all to throw in his ſhare, and add to the heap, the number collectively was great, and conſidering the period of the ſeſſion, he muſt repeat it, an additional inſtance of the ſhameful ſyſtem adopted by the preſent Adminiſtration of procraſtinating the moſt important public buſineſs to the end of the ſeſſion.

Mr Roſe. Mr. *Roſe* denied not only that the noble Lord (Hawkeſbury) had any thing to do with the bill in queſtion, though he had, deſervedly, obtained great credit for his aſſiſtance in reſpect to another bill, but that the bill for the relief of the coaſting trade was at all connected with the Manifeſt bill. The latter referred to ſhips employed in foreign trade, and not coaſting veſſels.

The reſolutions were agreed to, and the report ordered to be received upon the morrow.

The Houſe adjourned.

Tueſday

Tuesday, 18th May.

The order of the day for His Majesty's message to be taken into consideration having been read, and the House having resolved itself into a Committee of the whole House, Mr. Gilbert in the chair.

Mr. Chancellor *Pitt* remarked, that he should imagine that, upon the present occasion, more was not necessary from him than to propose that His Majesty's message be complied with, as there could be but one feeling in the House on the subject, since every gentleman would now, he doubted not, as had been the case hitherto, participate in the common sentiments of the country, that all remuneration, consistent with propriety, was due to Dr. Willis. With these impressions, and firmly depending upon the unanimous concurrence of the House to his proposition, he should move, — Mr. Pitt.

"That it is the opinion of this Committee, that the "Chairman ask leave to bring in a bill to enable His Ma-"jesty to settle a certain annuity on the Rev. Francis Willis, "Doctor of Physic."

Sir *William Lemon* remarked, that the pension recommended in the Royal message was too limited for the occasion, and wished that the right honourable gentleman would propose an annuity more munificently suitable to the circumstance in question. — Sir Wm. Lemon.

Mr. *Walter Stanhope* having expressed his opinion that the remuneration was inadequate, observed, that Dr. Willis had a large family and several young children, and he understood that it would be more agreeable to the Doctor, and more suitable to his wishes in regard to certain family arrangements, for him to receive a sum of ready money, than an annuity. Mr. Stanhope added, that, in his own mind, as much more than 20,000l. as the House should think fit to vote, ought to be given to Dr. Willis, and that the merits of his son, Dr. John Willis, who, at the least, appeared entitled to a reward of five thousand pounds, ought to be a separate consideration. — Mr. Wal. Stanhope.

Mr. Chancellor *Pitt* remarked that, on such an occasion, every person must conceive, that his feelings towards a man who had been so instrumental in prolonging the blessings this country enjoyed under His Majesty's government, would prompt him to wish for any remuneration, however large, which the House might judge proper to vote; but he could not avoid thinking that as the request came from the King, the most respectful mode of meeting it, would be to adopt the terms proposed, and vote them unanimously. His Majesty had considered the state of Dr. Willis's family, and therefore, instead of an annuity for life, which he could have granted — Mr. Pitt.

granted out of his civil list, without application to Parliament, he had adopted the mode of giving Dr. Willis an annuity for twenty-one years; and the House would recollect, that it would be in His Majesty's power to bestow marks of his Royal favour and munificence on Dr. Willis, by various other ways. With regard to Dr. John Willis, his merit was undoubtedly great, and, on that consideration, His Majesty had already granted him an annuity of 500l. a year, out of his civil list.

Mr. Francis. Mr. *Francis* concurred entirely with the right honourable gentleman, and declared, if the too great zeal of the honourable gentlemen who wished to alter the terms of the motion, had carried them so far, as the proposition of a formal amendment, he should have resisted it, on the idea that His Majesty's message ought to be answered by a vote conformable to the terms specified in it.

Mr. Pitt. Mr. Chancellor *Pitt* declared, that he was obliged to the honourable gentleman for his concurrence with his observations, but he could by no means agree with him in thinking that gentlemen had shewn too great zeal on the present occasion; on the contrary, he thought it was scarcely possible for the merits of Dr. Willis to be over-rated, although, for the reasons he had before assigned, he wished the motion to pass unanimously, without alteration.

Mr. Mainwaring. Mr. *Mainwaring* wished to know when the annuity of 1000l. a year was to take place, and what farther marks of His Majesty's favour were to be shewn to Dr. Willis?

Sir James St. Clair. Sir *James St. Clair* contended, that under the circumstances of the case, as stated by the Chancellor of the Exchequer, it would prove extremely indelicate to answer to the two questions which the honourable gentleman had thought proper to ask. If the motion did not meet with the unanimous, he hoped it would at least with the general, consent of the House.

Mr. Stanhope. Mr. *Stanhope* admitted that it might be a matter of delicacy to His Majesty, to propose a larger remuneration than that suggested in the Royal message; but the people might, surely, without any disrespect, manifest their sense of the merit of Dr. Willis by voting 20,000l. as his remuneration, or a still larger sum, if they thought that His Majesty, upon over scrupulous principles of regard to public economy, had suggested too small a reward for services, the magnitude of which the nation were unanimous in acknowledging, and which they could not but consider as invaluable.

Mr. Martin. Mr. *Martin* declared, that he was so thoroughly sensible of the extraordinary claim that Dr. Willis had upon the gratitude of the Public, and the liberality of that House, that if any gentleman would propose to amend the motion, and insert

insert a larger sum, or a more liberal means of remuneration, he would second him.

The motion passed as moved, *nem. con.*

The report was ordered to be made, and was received immediately, and, upon motion, leave was given to bring in a bill, "to enable His Majesty to settle a certain annuity on "the Rev. Francis Willis, Doctor of Physic."

Mr. Alderman *Sawbridge* now rising, observed, that in consequence of the wish of the right honourable gentleman (the Chancellor of the Exchequer,) and the ardent desire of the honourable gentleman near him, (Mr. Rose) that the assertion he had made in a former debate, relative to policies having been opened in the city, on the subject of press warrants being issued within two days, might be explained and probed to the bottom, he had taken pains to enquire into the grounds of the fact, and the result was, that he had found that such as he had described had been opened; that the terms were, a deposit of ten guineas to receive one hundred, if press warrants were not issued within two days, and that many persons had subscribed their names to such policies. That part of the assertion, therefore, he had no doubt, was strictly true. With regard to the other part—that the policies had been opened by persons nearly and deeply connected with Government, which the honourable gentleman had considered as an indirect accusation of himself, upon investigation, he had learnt that the report had originated in the malice of those who had lost their money by such policies; and, after the most scrupulous inquiry, he was perfectly satisfied that there was not the smallest foundation for the report, and that the honourable gentleman was as innocent of the charge, and as much a stranger to the transaction as he was. **Mr. Alderman Sawbridge**

Mr. *Rose* begged leave to return his thanks to the worthy Alderman, for having publicly made the charge in the face of the House, and not less for the handsome manner in which he had since had the candor and fairness to renew his enquiries, and state the result of them in the way which he had just done to the House. Mr. Rose added, that not only those who might, at any time, hold the office which he did, but men in much higher situations, might have their characters blasted by whispers, insinuation, and a variety of nameless but well known ways of destroying the reputation of persons connected with Government, without having any opportunity of answering afforded them, or being put within the possibility of making a defence, or getting the matter cleared up and explained. He felt himself particularly indebted to the honourable magistrate, therefore, for having had the goodness to follow up the assertion which he had **Mr. Rose.**

made

made on a former night, with an inquiry, and having done him the juſtice to make the reſult of that inquiry publicly known; and he hoped that every gentleman, who might at any time hear any allegation to his prejudice, would publicly declare it, and enable him to challenge inveſtigation. Mr. Roſe truſted that the Houſe would forgive him, if he treſpaſſed one moment longer on their time, merely to aſſure them moſt ſolemnly, that he never had any money tranſactions in the city, but through the medium of a banking-houſe of the firſt reputation, excepting only with one man, who was agent to the conſignments of an eſtate in the Weſt Indies, which he held in truſt.

Mr. Pitt. Mr. Chancellor *Pitt* having moved, "for leave to bring "in a bill for enlarging the time for perſons to name their "nominees under an act of the laſt ſeſſion of Parliament, "entitled, An act for raiſing a certain ſum of money, by "way of annuities, with the benefit of ſurvivorſhip," deſired permiſſion to remind the Houſe, that the tontine of the laſt year had been a mere experiment, of the ſucceſs of which he owned that he had entertained moſt ſanguine expectations. It had turned out, however, that the ſubſcriptions had come in extremely ſlow, and the nominations to the ſeveral claſſes were by no means full. He intended, therefore, for the preſent, to propoſe to allow a farther time for the annuitants, and as by the bill of the laſt year, the period would expire on the 5th of October, to extend it till the 5th of April, intending, if the nominations ſhould not then be made in a much greater degree than they had been as yet, to propoſe to convert the tontine into long annuities, or ſome other ſtock; becauſe, under all the circumſtances of the caſe, he thought that the original ſubſcribers ought not to be left to hazard the great riſque to which they ſeemed at preſent to be liable.

Mr. Fox. Mr. *Fox* conceived that the matter, whether conſidered in the view either of ultimately converting the tontine into ſome other ſtock, or of prolonging the period of nomination, as now propoſed, was in its nature peculiarly delicate. To thoſe who had ſubſcribed, the Public was bound to do exact juſtice; and every perſon had a complete right to the terms ſtated when he had ſubſcribed.

Mr. Pitt. Mr. Chancellor *Pitt* anſwered, that the danger of injuring the perſons who had already ſubſcribed, was not ſo great as the right honourable gentleman ſeemed to imagine.

The motion was at length carried.

The Houſe adjourned.

Wedneſday, 19th May.

The Houſe in a Committee on the American claims, after

an explanatory speech from Mr. Chancellor Pitt, came to the following resolutions, viz.

1. "That compensation be made to the claimants under "the will of John Earl of Granville, according to the statement of the Commissioners, and that they be allowed the "full amount of their losses, as far as the same shall not "exceed 10,000l., and 60l. per cent. of the said losses as shall "exceed 10,000l.

2. "That compensation be made to the right honourable "Thomas Lord Fairfax, for the loss of his life interest in "certain lands, situated in the province of Virginia, according to the statement of the Commissioners, and that he may "be allowed the full amount of his loss, as far as the same shall not exceed 10,000l., and 80l. per cent. of such part of "the said losses as shall exceed 10,000l."

The same was ordered to be reported upon the morrow.

General Burgoyne. General *Burgoyne* informed the House that he held a newspaper in his hand, containing a letter, purporting to be a letter written by a Member of that House, and signed John Scott; and as he saw the honourable Member in his place, he wished to ask him a question, and that was, Did the honourable gentleman avow himself the author of that letter?

Major Scott. Major *Scott* answered, that he had not the least objection to avow himself the writer of that letter.

General Burgoyne. General *Burgoyne* then gave notice that he would, upon the ensuing Friday, make a complaint to the House of a breach of its privileges in that letter.

The House adjourned.

Thursday, 20th May,

Mr. Francis. Mr. *Francis* preparing to open his motion, remarked that the facts on which it rested were so evident and undeniable, that they required no proof of illustration, and the conclusion, that he meant to draw from them, was so obviously reasonable, that he thought there was need of little argument to support it, as no impartial and independent man could hesitate to adopt it. He meant to move three distinct propositions of fact, viz. First, that since 1783 so many Ambassadors to the Court of Spain had been appointed: Secondly, that there had been in all that time, but thirteen months residence of an Ambassador at Madrid; and, Thirdly, that for these thirteen months residence, the public had paid so much. Upon these resolution of fact, he meant to ground a fourth, viz. "That an humble Address be presented to His Majesty, to represent to His Majesty the contents of the preceding resolutions, and humbly to beseech His Majesty, that "he will be graciously pleased to give such directions as His "Majesty shall think fit, in order to provide for the due "per-

" performance, in future, of the duties and services belonging to the Office of Ministers appointed by the Crown to reside in foreign Courts." Mr. Francis said, he would appeal to the House if so short a residence of our Ambassador at the Court of Madrid, was to be approved of as a proper thing; whether Lord Chesterfield ought to have been paid nearly 15,000l. for a residence at Paris of nearly two years; and whether Mr. Eden, now Lord Auckland, was entitled to 17,000l. for having only resided at Madrid thirteen months? Those facts, he conceived, every man's understanding must acknowledge to be highly repugnant to every principle of public œconomy, and a prodigal and profitless use of the public money, and therefore, he doubted not but he should have the support of every gentleman, who laid a stress on the great stake he had in the country; though he owned, he for one could not admit, that wealth ought to be considered as giving one man more importance in that House, than another who did not possess so large a fortune, or that it was an index to liberality and generosity, the most avaricious being, for the most part to be found among those who possessed most riches. He added, that he was happy to find that his having brought the subject before the House had, in the very outset of its being agitated, produced this good effect, that it had roused the King's servants' attention to œconomy to such a degree, that after wasting upwards of thirty-thousand pounds, they had firmly withstood an attempt to create an additional expence of fourteen or fifteen shillings by printing the paper on the table! Mr. Francis read his several propositions as follow:—

Resolved, " That it appears to this House, that since the " 12th of March 1783, there have been four appointments " of Ambassador from His Majesty to the Catholick King."

II. " That it appears to this House, that in the same " period, an Ambassador on the part of His Majesty has re- " sided at the Court of Spain thirteen months only."

III. " That it appears to this House, that in the same pe- " riod, an expence has been incurred on account of Ambas- " sadors appointed to the Court of Spain, amounting to " 35,602l. 7s. 10d though one of the said Ambassadors re- " ceived no part of the appointments."

IV. " That an humble address be presented to His Majes- " ty, to represent to His Majesty the contents of the preced- " ing resolutions, and humbly to beseech His Majesty, that " he will be graciously pleased to give such directions, as " His Majesty shall think fit, in order to provide for the due " performance in future of the duties and services belonging " to the office of Ministers appointed by the Crown to reside " at foreign Courts."

Mr. *Burges* contended, that in relation to the facts stated in the three first resolutions, His Majesty's Ministers had not been all to blame, but that they had done every thing in their power to maintain the dignity of the British Court and to support the interests of the country, as connected with the politics of the Court of Madrid. It was, undoubtedly true, that the Earl of Chesterfield had been appointed Ambassador to Spain, that he held that appointment two years, and that, during that time, he went no farther than Paris. And the reason was this: It had been arranged between the Courts of London and Madrid, on the conclusion of the peace, that for the better preservation of cordiality and friendship, Ambassadors of considerable rank in each kingdom should be appointed to the two Courts respectively; in the mean time plenipotentiaries were established at each Court. The Court of Spain in consequence of this arrangement appointed the Marquis d'Almodovar Ambassador to the Court of London, and His Majesty appointed Lord Mountstuart to that of Madrid. Upon the present Ministers coming into office, Lord Mountstuart thought proper to resign his situation, but he did so with great honour to himself, refusing to put the country to any expence, or take any emomulent, on the consideration that he had never been put out of the country. On the resignation of Lord Mountstuart, His Majesty did the Earl of Chesterfield the honour of appointing him Ambassador to Spain, and the Earl was dispatched to Paris with instructions, there to wait till he learnt that the Marquis d'Amodovar had set off from Madrid on his way to London. Mr. Burges explained, that with a Court of such high notions of honour as that of Madrid, it was indispensibly necessary to adhere rigidly to etiquette, and the more so at such a time as that, after a long war, and various misunderstandings between the two Courts had been adjusted. It appeared that the Marquis d'Almodovar was prevented by illness from setting out on his embassy, and the Earl of Chesterfield consequently could not proceed. After much time had elapsed, the Marquis d'Almodovar resigned his embassy to London, and accepted an Embassy to Paris, and in his room a Spanish Nobleman of high rank was nominated Ambassador to the Court of London. The same reasons (originating at Madrid) which had before detained Lord Chesterfield at Paris, continued to detain him there still: the Ambassador from the Court of Spain not having set out on his embassy for London. After the lapse of a further period this Spanish Ambassador was also appointed to another embassy, and as soon as the news reached the Earl of Chesterfield, and he learnt, that the Marquis del Campo was appointed *Chargé d'Affaires* at London, the Earl, agreeable to his instructions, returned to England,

Mr. Burges.

England, and resigned his office, when as the Earl had actually left England, and set off at a considerable expence on his way to Madrid, and continued abroad with a view to repair thither as soon as the circumstance of the case should render his going there consistent with the necessary regard to the dignity of the British Court, it was thought highly reasonable that the Earl should receive the equipage and salary of an Ambassador, just the same as if his appointment had been carried into full effect. The Affairs of the British Court at Madrid were at the same time continued in the hands of Mr. Liston, as able a person to conduct as any man living. In July 1787, the Marquis del Campo having been appointed Ambassador to the Court of London on the part of his own Court, Mr. Eden (now Lord Auckland) was appointed Ambassador to Spain, and as soon as he had completed a negociation of great importance to the country at Paris, he sat out for Madrid, where he resided thirteen months, discharging all the duties of an Ambassador In June last, (for reasons not necessary to be stated) Lord Auckland set out on his return, and of course, received the usual salary and emoluments of an Ambassador. When Lord Auckland left Madrid, Mr. Liston having had the honour, as a sense of his services, to be appointed to a higher situation at another Court, the affairs of the British Court at Madrid were put into the hands of Mr. Merry, who was appointed *Chargé des Affaires*, and who most admirably took the proper care of them, as he (Mr. Burges) had once before had occasion to state. In November last, His Majesty did Mr. Fitzherbert the honour to appoint him Ambassador to the Court of Spain, and Mr. Fitzherbert had recently sent off, and was now actually on his way to Madrid, from whose service (Mr Burgess observed he had not the smallest doubt but the country would reap considerable advantages, as his talents and abilities were generally known and acknowledged. These facts being indisputable, and capable of proof, the whole question resolved itself into two plain propositions. Was it necessary to employ Ministers at Madrid? And if they were employed, ought they not to be paid? That the first proposition was undeniable, appeared already admitted, since the honourable gentleman's own motions declared, that Ministers at Madrid were necessary; and if that fact were established, the corollary followed: that if Ministers ought to be employed, they ought to be paid. The three resolutions of the honourable gentleman therefore, were clearly answered, and as to the object of the address, that was already obtained, since Mr. Fitzherbert had been appointed Ambassador to Spain, and was actually set out. His Majesty's affairs at Madrid had been as well

taken

taken care of, from the peace to this time, as they could possibly have been, had our Ambassador resided there the whole time; in fact the Court of Spain had never been without a man to conduct His Majesty's affairs, who was perfectly capable of doing it in the most effectual manner. If it were asked why so much time had been suffered to elapse since Lord Auckland quitted Madrid, and the period of Mr. Fitzherbert's departure, it was to be answered by the known fact, that when Lord Auckland left Spain, every thing in that country and its Court were peculiarly friendly to Great Britain; nor was it till very lately that affairs assumed a different appearance, and military preparations were commenced. Having thus troubled the House with a plain narrative of facts (Mr. Burges said) he trusted that he had made it evident, that the circumstance of Lord Chesterfield's having remained so long at Paris, and our having had but one resident Ambassador at Madrid since the peace, and that for thirteen months only, had not arisen from any neglect of His Majesty's Ministers, but was owing to causes which took place at the Court of Madrid, which His Majesty's Ministers could not possibly forsee, and which, if they could have foreseen, they could not have been able to prevent. The noble Duke (of Leeds) at the head of the foreign department, in concert with other of His Majesty's servants, had done every thing respecting the subject of the motion, which was consistent with the honour, the interest, and the dignity of the country. Why the particular persons had been appointed Ambassadors to Madrid, was a point governed by reasons which it would neither be proper, nor was it necessary for him to state to the House. In conclusion, Mr. Burges moved the previous question, which motion was instantly changed to a motion for the order of the day.

Mr. Wyndham.

Mr. *Wyndham* begged leave to remind the honourable gentleman, that unfortunately, he had left untouched the only point on which the whole question hinged: that of the Earl of Chesterfield's being appointed Ambassador to Spain, and going no farther than France. In respect to that circumstance, Ministers chose to take their defence in the impregnable fortress of state secrecy. They say, (added Mr. Wyndham) there were reasons, but they refuse to explain what was the nature of those reasons. It was, apparent that there had been a neglect, and therefore, as the honourable gentleman had told them nothing, but that there were reasons for that seeming neglect, which he could not make known to them, it was necessary that the House should take the matter up. and by a moderate motion declare it as their opinion that they ought to submit their advice to His Majesty, to beseech him to give directions that more care be taken

taken in future, and that thirty-five thousand pounds of the public money be not again paid where so little public service had been performed.

Mr. Burges. Mr. *Burges* answered, that he must either have expressed himself unintelligibly, or have been misunderstood, because he had, as he conceived, very fully assigned the reason why the Earl of Chesterfield had not gone to Madrid. The reason simply was this: The Marquis d'Almodovar, who had been appointed Ambassador from the Court of Spain to the British Court, had never set off for London. Surely there was nothing like state secrecy in this explanation.

Mr. Fox. Mr. *Fox* contended in favour of the propriety, and even of the necessity, of coming to the resolution proposed by his right honourable friend, in order to mark the disapprobation which the House conceived against the conduct of Ministers in respect to appointing Ambassadors to the Court of Spain. With regard to Lord Mountstuart's conduct in refusing to receive any emomulent, it was undoubtedly very noble, but it was what was not necessary to be followed to the extent of the example set by the noble Lord. When Ambassadors had been changed after their appointment, or had resigned without going to execute the duties of their office, it certainly was not proper to receive the emomulents, which actual residence at the Courts to which they were appointed would have entitled them to; but the usual mode was to receive the equipage and not the salary, as had been the case with a noble friend of his (the Earl of Cholmondeley) who had been appointed to Paris, but did not leave England. As to the noble Duke at the head of the foreign department, no person would suspect him of having a design to make an attack upon that noble Duke, because personally, and in every character but that of a Minister, he had a great respect for him. It was the facts stated in the resolutions on which he should ground what he meant to say, and not upon the intention of the noble Duke. But what had been the case with the Earl of Chesterfield? The Earl had received nearly fifteen thousand pounds of the public money as Ambassador to Madrid, and never set his foot in Spain. Mr. Fox declared that he was himself no great attender to etiquette; but he thought that if etiquette kept the Earl of Chesterfield at Paris, it was an unfortunate etiquette for the country, and the object of the etiquette was not adequate to the sum which it had cost.

The appointment of the Earl of Chesterfield to Spain might be justified, perhaps, and a good reason assigned, but what reason could there be for the Earl of Chesterfield, when he was first appointed Ambassador to Spain, going abroad and remaining at Paris? One should have thought that it

would

would have been just as proper for him to have remained here at home, till an Ambassador from Spain had set off for London. Another ground of objection was the appointment of Mr. Eden to Paris, when we had the Duke of Dorset there; thus we paid one Ambassador to Spain, who was not there, and two to France, who were at Paris at the same time. Lord Auckland's appointment to Spain might be a proper one, but he did not think it a proper one with the view to that circumstance to which the honourable gentleman referred. At the time the most critical we had no Ambassador at Madrid, nor any person of a diplomatique character there. Lord Auckland left Madrid twelve months ago, and ever since we had not either Ambassador, Plenipo, or other Minister, but only a Consul. If the person now at Madrid was, as the honourable gentleman had stated, the fittest to execute the business there, he ought to have the character of a Minister. In fact, the business in that department of Government did not appear to have been conducted as it ought to have been. But he would ask, was not the situation of France, at this time, a situation of great difficulty? How came it, then, that we had at present no Ambassador at Versailles? If, in point of etiquette, we were so punctilious with Spain, how did the question of etiquette apply to France? France had an Ambassador here, and we had no Ambassador at Versailles? The situation of France with regard to this country, was a situation of very great expectation and hope, and fear; and yet we left the whole business of France on the head and hands of a young nobleman, to whom he had the honour to be related, and whom he highly esteemed. Lord Robert Fitzgerald was now the single person at Paris on the part of this country, and though he had no doubt but the noble Lord would improve greatly, and acquit himself much to his credit, was the situation of France proper for a first essay? Lord Robert Fitzgerald had been appointed Secretary of Embassy in Paris, which was a situation, without the dangerous responsibility of a Minister, but he now stood in a most critical situation, with the whole load and interests of the country upon his hands, when, at this time, one would think that the wisest and most experienced persons were incompetent to the business. Having stated this, Mr. Fox took notice of Lord Auckland's having a pension, and declared, that he could not conceive that this measure was justifiable. When a right honourable gentleman's (Mr. Burke) bill of reform, restraining the Crown from granting any pension beyond a certain amount, was in agitation, Mr. Fox said, he had himself proposed the exception clause, allowing His Majesty to grant a pension of two thousand a year to those who had served the Crown as Amba-

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bassadors abroad; but he did not think that Lord Auckland came within the exception, because his view in proposing the exception was, to enable the Crown to provide for such persons as had spent the best part of their lives abroad. Lord Auckland had only been at Madrid thirteen months, and therefore his Lordship did not fall under the description. He did not mean to say of Lord Auckland, who was not there, and who had earned much of Government, that he was not entitled to some consideration, but to state the necessity of economy in part of the foreign establishment, which, in some respects, was starved, and overpaid in others.—Without economizing, they could not pay those whose services entitled them to reward.

Mr. Burges. Mr. *Burges* answered, that he could assure the right honourable gentleman that the reason why the affairs at Madrid were left to Mr. Merry, when they were most critical, although it had been thought right to have an Ambassador there in less difficult times, was, that when Lord Auckland quitted Madrid, the situation of affairs in Spain wore an appearance the most friendly to this country; and they had continued to do so till very lately. With regard to the character of a *Chargé des Affaires*, the right honourable gentleman ought to know, that at Madrid a *Chargé des Affaires*, by a late regulation, was, in almost every respect, equivalent to an Ambassador. He was presented; and he enjoyed a right of access to the King and to his Ministers.

Mr. Pitt. Mr. Chancellor *Pitt* observed, that to the question from the right honourable gentleman, why the Earl of Chesterfield had remained at Paris, he trusted that it would prove sufficient to answer, that if it could have been foreseen that the Court of Spain would have so long delayed sending an Ambassador to London, it certainly must have been adviseable for the Earl of Chesterfield not to have set out; but having done so, what would have been the appearance, in the eyes of all Europe, on the Ambassador from London being recalled? In the next place, the right honourable gentleman had objected to Lord Auckland's having been sent to Paris, when the Duke of Dorset was there. The noble Duke was certainly a fit person, in point of rank, character, talents, address, and other qualities, for the situation of an Ambassador, but when there was a negociation of a matter, depending entirely on complicated commercial detail to transact, surely it was no disparagement to the Duke of Dorset, that Mr. Eden should have been sent to Paris for that special purpose, who was, as he might appeal to the other side of the House for the fact, a person, of all others the most eminently qualified by his manners, his knowledge, and his abilities for the business. As to Lord Auckland's being but thirteen months

months at Madrid, it was to be remembered that the time ſpent in his journey to and from Madrid was to be taken into the conſideration, which would very conſiderably add to his reſidence; and ſurely, as he travelled with his family, and conſequently a numerous retinue, the journey to and from the capital of Spain was not the leaſt irkſome part of his duty, nor one for which he had not a fair right to expect remuneration. As to Lord Auckland's penſion, the fact was, that the noble Lord had gotten no penſion at all as yet, but had received His Majeſty's Royal aſſurance that he ſhould have a penſion of 2000l. a year, when he ſhould no longer continue to be employed in his ſervice as an Ambaſſador; and when it was conſidered what the ſervices were which Lord Auckland had rendered to his country, excluſive of his embaſſy to Spain, every man of candor muſt allow, that the noble Lord was entitled to the reward of the penſion, in an equal, if not a much higher degree than any other Ambaſſador.

Mr. *Fox* having again mentioned, with cenſure, the circumſtance of our not having an Ambaſſador, who was a man of experience, at the court of France, Mr. Fox.

Mr. Chancellor *Pitt* begged leave to aſſure the right honourable gentleman, that an Ambaſſador at Paris had, for ſome months paſt, appeared to be unneceſſary, and the country had thence obtained a ſaving of ſome conſideration; but in conſequence of political events having lately aſſumed a different aſpect, he believed that if the right honourable gentleman had deferred his preſent obſervations on that head, until after the lapſe of only a few days, he would not have found reaſon to complain that no Ambaſſador had been appointed to Paris, as a noble Earl, whom that Houſe would ſurely conſider as a very proper perſon to fill a poſt of ſuch rank and conſequence, was upon the eve of nomination.* Mr. Pitt.

Mr. *Francis* ſaid, that his wiſh was to have his motions ſtand upon the journals; he ſhould, therefore, hope the honourable gentleman would have no objection to withdraw his motion of the order of the day, and move the previous queſtion, as he had done in fact at firſt. Mr. Francis.

That not being agreed to, Mr. Francis ſaid, the intention of Miniſters clearly was to ſuppreſs the facts ſtated in his reſolutions, but they might depend upon it, the more they endeavoured to keep them back from the public eye, the more they would be enquired after and made known. The only anſwer given by the other ſide of the Houſe to his declaration, that we had no Ambaſſador at Madrid, while the Earl

* The noble Lord to whom the Chancellor of the Exchequer alluded, was Earl Gower, ſon to the Marquis of Stafford.

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of Chesterfield was in the receipt of the salary, Mr. Francis said, had been, "that it was very true, but we had two Ambassadors at Paris." Thus superfluity was substituted for want; and it was thought a sufficient answer, if there were twenty different Courts, at each of which the expence of an Ambassador was incurred, though out of nineteen of them there was not any Ambassador resident, to say, "it is true, "there was not any Ambassador at nineteen of the Courts "in question, but there were twenty all at once at Paris." Mr. Francis declared it was no answer to the charge in respect to the Earl of Chesterfield, who should have been at Madrid, to say he was all the time of his embassy going about France like a wandering Jew. Such a fact was most disgraceful both to the country, and to the Earl of Chesterfield.

The House, at length, divided;

For the order of the day, - 95.
For Mr. Francis's motion, - 59.

The House adjourned.

Friday, 21st May.

When the first orders of the day had been read, and the business to which they referred was severally gone through, the Speaker called to

General Burgoyne

General *Burgoyne*, who immediately rising, observed, that he flattered himself, that although he avoided expatiations upon the present emotions of his mind, the House would do him the justice to believe that he could not enter upon the task in which he was to engage, without extreme concern. He was sufficiently aware, that his weight with that House, and his talents, were by no means equal to those of many gentlemen near him. He stood forward, on this occasion, however, because he thought that when men, to whom the House had delegated one of the most important trusts which it could possibly vest in any of its Members, were aspersed, while they were conscious that they discharged their duty with integrity, they were entitled to the protection and support of that House, and he had no doubt but that the present day would evince that there was but one opinion on the subject. If the persons to whom he alluded, forbore coming forward themselves on the occasion, at this time, from motives of delicacy, it was the more necessary that some other person should advance; and he had the rather intrude himself, because, having never fallen under the honourable gentleman's pen, he could not be supposed to be actuated, in the step which he was about to take, by any motives of private pique or personal resentment. He could feel concern for the offender, and he trusted that the honourable gentleman himself, or any of his best friends, would find him an open,

open, a firm, but a liberal accuser. When he observed, that the principal person selected as the object of the honourable gentleman's attack, was entitled, above all other men, to universal respect and admiration; when he considered that this Man of Malice, as his libeller had termed him, united wisdom and experience with every elegance of mind, every humane feeling, and every amiable faculty which adorned mankind; that this man of malice led a life of private virtue and public industry and unremitting attention to the first interests of society; that, when all considerations of a party nature should be no more, and the libels and libellers should be in the dust, he would then be looked upon by posterity as the honour of his time, it was impossible not to feel the indignation due to the rancour of those who selected such a character as the object of their calumny and the mark of their detraction. With all these feelings, General Burgoyne said, the case might be regarded to be taken up by him as the cause of the gentlemen appointed by the House to conduct the prosecution against Mr. Hastings; but he begged to state himself as standing on very different and much broader grounds. He stood up in defence of the honour of that House, and of the dignity of the representatives of Great Britain, shot at, through the medium of the Managers of the trial of Mr. Hastings. The House had borne too long already the libellous attacks of the honourable gentleman who had avowed himself the author of the letter contained in the paper which he held in his hand. From the commencement of the trial to the present hour, the honourable gentleman, confessedly the agent of the criminal brought to the bar of the House of Lords, had systematically libelled that House, and the proceedings which had originated by its special authority. The honour of the House, and the privileges of its Members, had been insulted and scoffed at with impunity. The General declared that he had made out a schedule of the honourable gentleman's libels, to shew that he was grounded in his assertion, that the honourable gentleman had uniformly, and with great industry, pursued a system of libellous attack on the Managers. He read an extract from a letter, signed John Scott, addressed to Mr. Fox, and published July 14, 1789, in which the writer asserted, "that thirteen of the charges against Warren Hastings, Esq. had passed the House of Commons, without having been read, to the shame and disgrace of the nation;" and "that there were papers on the table of the House of Commons, which fully demonstrated that every thing uttered in Westminster Hall was false and unfounded." The General was proceeding to read extracts from this letter, when

Maj. Scott Major *Scott* spoke to order; and observed, that as the honourable General had only given him notice that he intended to proceed on one paper, and as he had prepared himself to answer that alone, he submitted it to his candor and consideration, whether it was fair to bring what had appeared at any other period, into his statement of the complaint; not that he had any wish, the Major said, to disown any one letter which he had written; he did not care a straw about them.

General Burgoyne General *Burgoyne* declared that he had only produced the schedule, to shew that the publication, of which he now complained, was but one of a long-continued and progressive system of libels, and that the Managers had not been precipitate in complaining. He should be exceedingly hurt, if it could be supposed, that on an occasion like the present, he entertained even the most distant intention to produce any collateral matter in aggravation of the immediate cause of complaint, and sooner than have it for a moment considered that he was capable of any thing so illiberal and unfair, he would readily abandon any argument that the schedule, which he had prepared, might suggest, and return to the more immediate subject. The General then observed, that libels on that House had, of late, been frequent, and that the press teemed with the most licentious attacks on its proceedings, and the conduct of its measures, although it was well known that printing any part of what passed in the House, or even the speeches of any of the Members, was directly contrary to the order of the House; but owing either to the indifference or the contempt of the House, the papers introduced printed accounts of their proceedings from time to time, and had gone on so for years. Even a communication by letter, or the circulation of any account of what passed, was contrary to order; but there was surely a great difference between a private letter from one gentleman to another, and a libellous attack on the House for its conduct in a judicial proceeding in a great cause pending before the High Court of Parliament, and more especially when the libel came from the agent of a criminal on his trial, and that agent was a Member of the House, who consequently had an opportunity of complaining, in his place, against the Managers, if he thought their conduct wrong. The General declared that he wondered that the honourable gentleman, when he was penning his libels, did not reflect that he was composing attacks on the honour and dignity of Parliament, and did not consider, when he subscribed his name to them, that he was setting the House at defiance, and risquing all the consequences of a breach of the privilege of that House. General Burgoyne next adverted to the conduct of Mr. Hastings and his

his agent, during the course of the trial, imputing to them a variety of endeavours to divert the attention of the Public from the proceeding. At one time, he said, a gentleman had been brought from Wales to engage the notice of the House, and at another, the honourable gentleman came forward himself with a petition and a complaint. He did not accuse the honourable gentleman of ignorance of his duty as a Member of Parliament; on the contrary, his knowledge of that duty made his offence the greater. In order to shew what had been the rule of proceeding in cases of a similar nature, the General stated several precedents from the journals, and the first he mentioned was that of a Baronet in 1701, who had uttered certain words, which were taken down at the time, but the Baronet was suffered to explain himself, when he begged pardon of the House, if any thing which he had said had given offence. The General concluded with reading the several motions which he intended to move, according to the following form, as entered upon the journals of the House.

1. "That it is against the law and usage of Parliament, "and a high breach of the privilege of this House, to write "or publish, or cause to be written or published, any scan-"dalous or libellous reflections on the honour and justice of "this House, in any of the impeachments or prosecutions in "which it is engaged."

2. "That it appears to this House, that the said letter "now delivered in, is a scandalous and libellous paper, re-"flecting on the honour and justice of this House, and on "the conduct of the Managers appointed to conduct the "impeachment now proceeding against Warren Hastings, "Esq."

The "Diary" of Tuesday the 18th of May, 1790, having been handed to the clerk, at the desire of General Burgoyne, the letter signed "John Scott" was read from it, as follows:

"To the Printer of the DIARY.

"Sir,

"If a man in the rank of one of His Majesty's Privy Counsellors does not conceive it below his dignity to revive a calumny, long ago refuted, it is not unbecoming in me again to take notice of it.

"The story that appears in your paper of Wednesday, as told by Mr. Burke, in the House of Commons, was circulated last year, and a noble Earl and a learned Judge, (who is a Peer of the realm) were said to have mentioned it. Mr. Burke, who made the first enquiry on the subject in Leadenhall-street, informed Mr. Hudson, that Major Scott had told

told the respectable Nobleman who presented Mr. Hastings's petition, that he had paid three thousand pounds for copying papers at the India House. Mr. Hudson, from whom I received this information, told Mr. Burke, at my express desire, that I had never made such an assertion to any person.

"The story, as told by the learned Judge, if I was rightly informed, was materially different, namely, that Mr. Hastings was the person who gave the information to the nobleman who presented his petition. It was now become a more serious affair, and effectually to counteract the mischief which such a story, coming from such a quarter, might do, I published the real state of the fact, on the 3d of July last, and hearing nothing from either of the parties who had circulated the tale, (a tale so much in the style of Mr. Sheridan's story in his School for Scandal) I concluded that my explanation cleared up the matter, and that they were not a little chagrined, upon considering the injury which they might have done a persecuted man, by repeating a table conversation, in which the mistake of a single word makes the whole difference between the truth and falsehood of the story.

"Mr. Burke, after almost a year's silence, has thought proper to repeat this calumny, and has reduced me to the necessity of again refuting it. Indeed it was one of the most cogent arguments that he adduced, in order to persuade the Commons of Great Britain in Parliament assembled to persevere in a prosecution which has already been dragged on to a length that excites the regret of every honest man in England, and the astonishment of every enlightened statesman in Europe.

"I am ready, at all times, to do justice to Mr. Burke, and I sometimes follow his example, by laying before the Public my sentiments on points in which the Public has a material interest. Upon this principle, I shall examine the truth of an assertion which, as appears by your paper, fell from him on Tuesday last—"That the delays which had hitherto occurred "on the trial, were imputable to Mr. Hastings." Mr. Burke might have said, in the words of Richard,

"I do the wrong, and first begin to brawl.
"The secret mischiefs that I set abroach,
"I lay unto the grievous charge of others."

"That it was Mr. Burke's original intention that the trial should not come to a close in the present Parliament, I conscientiously believe; and therefore I looked upon the motion inserted in your paper as nugatory. I will state the grounds upon which that opinion has been formed.

"In the first year of this extraordinary trial, the Lords sat thirty-five days; they generally met at twelve, sometimes

times earlier, and sat often till after five, therefore Mr. Burke's calculation of three hours a day is entirely erroneous. There was not a single dispute in that year about evidence to cause delay. Is there a man of common sense will tell me, that thirty-five days were not sufficient for the trial, had Mr Burke really wished to bring it to a close? What impediments did Mr. Hastings's Counsel throw in his way? Thirteen days were wasted in speeches; four by Mr. Burke, four by Mr. Sheridan; by Mr. Fox, Mr. Anstruther, Mr. Adam, Mr. Pelham, and Mr. Grey, one day each; I say wasted, without meaning to detract from the merit of those gentlemen, for neither the Lords who are to decide, the Commons who are the prosecutors, nor the men, women, and children who heard the speeches, can possibly recollect a word of them, except Mr. Burke's story of Deby Sing, and Mr. Sheridan's exquisite eulogium upon filial love and parental affection.

"This was undoubtedly the year of Mr. Burke's triumph; for, as he knew Mr. Hastings could not then be heard, eloquence and harsh epithets could be applied with perfect safety; but the second year was commenced under considerable disadvantages. The malicious story of Deby Sing had been fully refuted. Many gentleman had arrived from Bengal since the commencement of the trial, who were perfectly disinterested as to the event of it. These gentlemen concurred in their report of the astonishment and regret with which the account of the prosecution of Mr. Hastings had been received in India; and no man possessed of three grains of common sense can believe that the testimonials subscribed by all ranks of people in India, could have been transmitted through Lord Cornwallis, if his Lordship had not been thoroughly convinced that they contained the real sentiments of the people. All rational men execrated the trial, and certain well-known occurrences in England had considerably added to the unpopularity of the leading Managers of it. Mr. Burke began this second year by a second speech of four days. The remainder of the year was chiefly consumed in altercations upon the competency of evidence; of twelve questions submitted to the decision of their Lordships, ten were determined against the Managers, and two in their favour.

"It will hardly be credited, that this whole year was consumed in an inquiry into the merit of transactions that happened in Bengal in the year 1772, which were fully known in England in 1776, upon which Mr. Burke has not once said that he can produce a tittle of new evidence. But the novelty of the proceeding will strike gentlemen more strongly, when they know, that upon the ground which Mr. Burke took

took last year in Westminster Hall, Lord North exerted his whole influence in 1776, to remove Mr. Hastings from the Government of Bengal, and that the Marquis of Rockingham, with all his friends, voted then for his continuance, and beat the Minister, though at that time in the plenitude of his power.

" In the winter of 1778, Lord North himself proposed to the Legislature, that Mr. Hastings should be re-appointed Governor General of Bengal. He did the same the next year, and the year following, and it is something singular, that Mr. Fox and Mr. Burke, who could not discover common sense in any other measure that his Lordship proposed during the late war, concurred with him in the propriety of this.

" Lord North, in reply to a question that I once took the liberty to put to him, acknowledged that he had wished to remove Mr. Hastings in 1776; that he had since that period proposed his re-appointment three several times; when his term of service expired by law, that he did so, because it was in a season of war, and of great difficulty and danger, and because Mr. Hastings possessed firmness, vigour, and abilities, and the confidence of the East-India Company.

" How far it was just or honourable in the representatives of a great nation, to keep a man in high office, by various re-appointments, and then to prosecute him upon accusations well known some years prior to the first of those re-appointments, I will not venture to determine, but I am confident that there will be but one opinion upon the subject, when it shall be considered without prejudice, passion, or party.

" Thus ended the second year of the trial. To impute the obstructions that occurred in the course of it to Mr. Hastings, is to add insult to injury.

" The third year of the trial began on the 16th of February. Much of the time, as in the last year, has been consumed in disputes upon evidence. Four questions have been referred to the Judges, and all of them determined against the Managers. This great national trial stands thus: For the first year there was not a single dispute upon evidence; the Court met early, sat late, had thirty-five sitting days, thirteen of which were consumed on speeches.

" The two next years have been chiefly spent in disputes upon evidence, Mr. Burke's second speech of four days, and Mr. Anstruther's of one, excepted. Sixteen times have the Lords adjourned to the Chamber of Parliament, to determine upon the admissibility of evidence. Fourteen of the decisions were against the Managers, and two in their favour. The Lords acted constantly with the advice and assistance of the Judges of the land.

" After

"After this plain recital of facts, I would ask any candid and impartial man, if I am not well grounded in believing, that Mr. Burke had pre-determined not to close the prosecution before the dissolution of Parliament. As to the two motions which appear in your paper, I shall not presume to comment upon them. When Mr. Burke gave his first notice in the House, if your paper is correct, he mentioned something of the new and dangerous doctrines delivered in Westminster Hall. Possibly, he afterwards thought it a point of too much delicacy, to attack all the law of the land, and therefore changed his battery, thinking, perhaps, that Mr. Hastings, who had already borne so much abuse, could sustain a little more.

"Upon one other part of Mr. Burke's speech I shall say a word or two, because in the depressed state of the funds, it was calculated to sink them still lower.

"He read a partial extract from a letter of Lord Cornwallis, in which mention is made of the poverty and wretchedness to which the natives of Bengal are reduced, by the defects of our former system. The conclusion drawn by Mr. Burke from this passage was, that Mr. Hastings had grossly mismanaged the country. The defects to which Lord Cornwallis alluded, (that of not letting the land in perpetuity) Mr. Hastings never had the authority to remedy, nor was it given to the Bengal Government until the year 1786; but Mr. Burke's argument is totally destroyed by the contents of another letter from Lord Cornwallis, received by the same ship. His Lordship in that letter assures the Directors, that they may depend upon the continuance of an annual surplus of more than two hundred lacks—a surplus far beyond what I calculated upon, when I was accused of being too sanguine in my expectations—a surplus that totally overturns every argument used by Mr. Fox in support of his bill.

"But as this is a point on which the public credit of the country is concerned, I shall state it from the journals of the House of Commons.

"The year preceding Mr. Hastings's accession to the Government of Bengal, the total receipts of that Government were only three hundred and thirteen lacks of rupees.

"The annual receipts of that Government, in the average of three years, from 1781-2 to 1783-4, were five hundred and two lacks of rupees. From 1782-3 to 1785-6, five hundred and twenty-one lacks. From 1785-6 to 1787-8, five hundred and eight lacks. From 1786-7 to 1788-9, five hundred and thirty lacks.

"Let any gentleman who has the least knowledge of business, determine whether a country, producing so equal a

revenue for so many years is in danger of being ruined. The fact is, that in the same period that the British nation nearly doubled its debt, and lost its Western Empire, Mr. Hastings increased the revenues of Bengal two millions sterling a year, and extended the British Empire in India, and while the ingenuity of the Minister has been exhausted in an attempt to raise the revenues of Great Britain a million beyond its expenditure, without the imposition of additional burthens, Lord Cornwallis assures his Constituents that this may be depended upon, an annual surplus of more than two millions sterling from Bengal.

These circumstances strike me with no little astonishment, and often occur to my mind, when I cast my eyes upon some of Mr. Hastings's old friends in the Managers' Box, or when I hear it gravely affirmed, in direct opposition to the evidence of figures, to truth, and to common sense, that his measures have been attended "with great loss and damage to the East-"India Company, and that they were carried on, to the "vexation, oppression, and destruction of the natives of "Bengal."

I am Sir,
Your humble servant,
JOHN SCOTT.

Bromley, May
16, 1790.

The Speaker. The *Speaker* as soon as the letter had been read, said that it was the practice of the House to hear the party against whom a complaint was made, if he was a Member of the House, as soon as the matter of the complaint had been fully opened before any motion had been made, and then it was usual for the Member complained of to withdraw. This, he had reason to believe was the general practice, although he was aware that there existed exceptions to it, as in the case of Aldermen Crosby and Oliver.

Maj. Scott. Major *Scott* then rose and said, Mr. Speaker, before I enter upon my defence, I must express my acknowledgements to the honourable General for the very fair and candid manner in which he has opened the charge which he has thought proper to prefer against me. Before I begin, I do most solemnly disavow the slightest intention that I had to do any thing that could be construed into an invasion of the privileges of the House of Commons.

The peculiar situation in which I stand at the present moment, will, I flatter myself, Mr. Speaker, plead my excuse to the House, for detaining them a short time, but I promise them it shall be as short as possible.

I must confess to you, Sir, that I really did not expect at this time of day such a motion from such a quarter. I

know

know that this Houſe poſſeſſes great and important privileges; I know that the privileges of the Houſe are daily broke in upon; but, as there are ſome rules "more honoured in the "breach than in the obſervance," I have always ſuppoſed, that in a country the freeſt in the whole world, this Houſe had conſented to diſpenſe with the rigid obſervance of ſome of its privileges, retaining, however, the full power to reſume them; and where liberty ſhall be pleaded as an excuſe for licentiouſneſs, the Houſe will conſult their own dignity, their own honour, and their juſtice, in calling the offender to a ſevere example. I believe, Sir, it has been obſerved in almoſt every trial for a libel in the Courts below, that the ſureſt way to preſerve the freedom of the preſs, is to puniſh the abuſe of it. Upon this ground, Mr. Speaker, I wiſh my conduct to be conſidered, and upon no other I am ſure, will it be conſidered by a body of gentlemen, who prizing the bleſſings of a free conſtitution, will be at all times ready to ſupport, in its fulleſt extent, the freedom of the preſs. I know it to be one of the ſtanding orders of this Houſe, that no ſtrangers ſhall be admitted into the gallery; yet, Sir, our gallery is always, and very properly, full of ſtrangers. I am aware that it is a breach of privilege, for any man to publiſh the ſpeeches of this Houſe; yet, we know, that every day's debate is regularly publiſhed, and with great accuracy in general, on the following morning, and we have very good reaſon to believe, that on important queſtions in this Houſe ſome Members write their own ſpeeches, and I will appeal to the recollection of every gentleman, whether men of the firſt eminence in the Houſe, have not thought it of importance, to correct any miſrepreſentation that has occaſionally been made of their ſpeeches, by an explanation on the following day; but no perſon ever thinks of excluding ſtrangers from the gallery, or prohibiting the publication of the Members' ſpeeches, becauſe it has ſometimes happened, that errors have been committed, in publiſhing what gentlemen have not ſaid in this Houſe.

The precedent of the year 1701, does not apply in any degree. At that time the manners and cuſtoms of all ranks of people were different, and the public knew little of the proceedings in Parliament, beyond what appeared upon the Journals; but in theſe enlightened days, they know what their repreſentatives do every day, and they have a right to know it. I perfectly concur in opinion with the right honourable gentleman (Mr. Fox) that thoſe who ſend us to this Houſe have a right to be acquainted with what paſſes in it. For many years back the Members of this Houſe obligingly (many of them at leaſt) explained to the public their conduct in Parliament, and I hold now in my hand

twelve speeches and pamphlets on political subjects, published by a right honourable gentleman over the way, (Mr. Burke) which I shall more particularly refer to by and by. The question then to consider is, whether in my remarks upon a speech of a right honourable gentleman, or rather upon the report of that speech, I have deviated from that line of propriety, which as a Member of Parliament, or, as a gentleman, I am bound to observe. But, though my letter is really and truly a remark upon a speech in a paper, yet I will neither be mean nor base enough to shelter myself under such a subterfuge. I have read it again and again, but cannot find an offensive word in it. Will the honourable General point out any thing offensive in the language, or absurd in the argument? I shall be glad to meet him upon that ground. I will very shortly, Mr. Speaker, examine the facts that I have asserted one by one, and I defy the united abilities of the gentleman to dispute the veracity of any one of them. The first, Sir, is the story of the three thousand pounds stated to have been paid by Mr. Hastings, at the India House, for copying papers. Am I to blame for the circulation of that ridiculous tale? Or am I charged for a libel, because I arrested a libel in its course? Men who are prosecuting for acts which involve, as they say, the desolation of provinces, the banishment of princes, the robbery of ladies, &c. one should imagine, would be above attending to such nonsense. Yet, when a right honourable gentleman thought proper to make a serious enquiry into such tittle-tattle stuff, and to involve my name in it; when men of rank and consequence repeated the story again, I was justified in declaring what I again repeat, that the story has no foundation in truth, either as it respects Mr. Hastings or myself. If there are any persons who are to be ashamed, they are those who first brought such contemptible nonsense before the public.

My next assertion is, that the length to which the trial has been protracted, has excited the regret of every honest man in England, and the astonishment of every enlightened statesman in Europe. I solemnly deny that this was meant as a reflection upon the House, but that remark is founded in truth, I will maintain before the whole world. Sir, the next assertion in my letter is, that an account stated in a morning paper, that the delays in the trial are imputable to Mr. Hastings, are not true; and that to say so, is to add insult to injury. Had I stopped here, the House might with justice accuse me of audacity; but I have given my reasons for adding, that I believe it was the original intention of the right honourable gentleman not to bring the trial to a close in the present Parliament. If every honest man in the

kingdom

kingdom will lay his hand upon his heart, and deliver his opinion, I am convinced it will exactly coincide with mine. But I have still stronger evidence to offer upon the point. Such gentlemen as have attended in Westminster Hall, cannot but observe the slow progress of the present trial. I own I am astonished at the patience and forbearance of both Houses. Sir, we the prosecutors have been proving for several days,—I beg pardon, I mean we have been attempting to prove, that Mr. Hastings, by a system he established in 1781, brought great loss and damage to the revenues of the East-India Company, though our Managers proved three months ago that the change of system was attended by an actual increase of revenue, amounting to nearly 400,000l *. in three years. If there is one gentleman in this House who doubts the truth of this, let him borrow the evidence, and look into page 1196. Sir, upon the next fact the House will determine. I think the justice of the reflection no man will dispute, but I have put it hypothetically, and I now ask the House and the country, whether it was just or honourable to impeach a man for acts that he was said to have done in the year 1772, which were fully known in 1776 in Great Britain, upon which not one tittle of new evidence is or can be brought, when subsequent to the year 1776, he has three several times been appointed by the Legislature, on the motion of the Minister, Governor General of Bengal? Surely such a question is a fair one, and if ever pertinently put, put at such a time as this, when we may be on the eve of a war. I have put the question hypothetically, but I am neither afraid nor ashamed to say that I think it was unworthy of a great nation. The very same observation fell from a Member of great consideration in his place †, while the articles were depending in this House. He expressed his conviction that the House would never impeach Mr. Hastings for acts done in 1772, universally known, and virtually sanctioned by three subsequent re-appointment. He mentioned the case of Sir Walter Raleigh, and said that the impeachment of Mr. Hastings upon that part of the article, would be more unjust than the execution of that great man, who after condemnation, was taken from the Tower to be employed on foreign service, and put to death after his

* Mr. Wright, Auditor of Indian accounts, produced an account of the nett collections in Bengal for three years preceding the abolition of the Provincial Councils, and three years subsequent to it. This was entered upon the minutes of evidence by order of their Lordships, on the 23d of February, and in the increase in the latter period is 33,172,072 rupees, about 400,020l. sterling.

† The Lord President of the Court of Session, at that time Lord Advocate of Scotland.

return

return to England. The Houſe merely voted that there was matter of impeachment in the charge as originally brought, and that charge contained a great variety of allegations. The article was drawn by the Committee, and voted by the Houſe, without any diſcuſſion. The next point, Mr. Speaker, is what I took as I ſtate from the newſpaper, for I really was not in the Houſe at the time the right honourable gentleman gave notice of the motion he intended to make. I mean as to the new and dangerous doctrines that he had heard in Weſtminſter Hall; I abide by the reflection I made upon that circumſtance. The next point is a matter in which the dignity and juſtice of this Houſe is moſt materially concerned; on which its character for conſiſtency throughout the country materially depends. I do affirm, Mr. Speaker, that the Houſe upon this point is involved in a very unfortunate dilemma, owing to the degree of confidence they have repoſed in the gentleman oppoſite me. When I ſtate the facts, the Houſe will judge of the proper meaſures to be purſued. Of the twenty articles compoſing the impeachment, there is one entitled revenues, on which ſo much time has been employed in Weſtminſter Hall. When that article was under the conſideration of a Committee of the whole Houſe, the Miniſter not only voted, but ſpoke againſt it; and he proved from accurate calculations, that by Mr. Haſting's change of ſyſtem in 1781, a conſiderable advantage had accrued to the Eaſt-India Company. He proved alſo, that no ſort of favour was ſhewn by Mr. Haſtings to his ſervant Cantoo Baboo, who had been a very conſiderable farmer of revenue before Mr. Haſtings arrived in Bengal. It happened, however, that upon the diviſion, the Miniſter was left in a minority, and the queſtion was carried by a majority of fifteen, for impeaching Mr. Haſtings upon that article. This was the only debate in the Houſe upon the ſubject, for when the article was preſented in the form in which it now is, it paſſed like all the others, without obſervation or comment, and I am ſure without being looked at; becauſe either it contains an aſſertion palpably and notoriouſly falſe, or certain reſolutions moved for four years ſucceſſively are notoriouſly falſe, for this moſt intelligible of all reaſons, that they are manifeſtly contradictory, the one to the other, as I ſhall prove in a few words, and unleſs it be true that two and two make five as well as four, both are not true. This article of impeachment ſtates, that Mr. Haſtings's adminiſtration of the revenues was attended with great loſs and damage to the revenues of the Eaſt-India Company, and with the vexation, oppreſſion and deſtruction of the natives of Bengal. It was voted by the Houſe of Commons in the month of May, 1787. Now it happened that a very few days before this vote, the Houſe voted another reſolution directly the reverſe of it.

That

That resolution was moved by a right honourable gentleman (Mr. Dundas) and is in substance as follows: That the annual receipts of the Bengal Government on an average of three years from 1781-2 to 1783-4 were five hundred and two lacks of rupees. The right honourable gentleman did not merely content himself with moving this resolution, but he reasoned upon it at great length, and he affirmed, as is undoubtedly the truth, that Bengal was the best governed in India. This is the average of the three years of Mr. Hastings's administration, that immediately followed the change of a system, a change so much condemned by the Managers. I will do the right honourable gentleman (Mr. Dundas) the justice to say he also voted against the revenue article; but as the House has had an India Budget in 1788, 1789, and 1790, and as it has voted resolutions each year which prove, that so far from Mr. Hastings having overstrained the country in order to get a large temporary revenue, the last year's revenues are higher than the preceding, I do own I am not a little astonished, that the House still permits the revenue article to stain its Journals, or allows its Managers to go on day after day, attempting to prove what if it could be proved, must disgrace the House of Commons; namely, that for four years successively it has entered false resolutions upon the Journals. I contend, that the resolutions are true, and that the article is false. Those who differ in opinion with me, those who support the article, must condemn the resolution. Was it, Sir, indecent, or improper in me, to attempt to avert the mischiefs which the public might sustain, by a gross pervision of the sense of Lord Cornwallis's letter? Is there a man in England so stupid as to believe that a country is depopulated and ruined, which furnished supplies for maintaining seventy thousand men in arms during the late war, which since the reductions, in consequence of the peace, has furnished a surplus of more than two millions sterling a year, and from which Lord Cornwallis himself tells us, we may depend upon the continuance of such a surplus in future? I think, Sir, by explaining this matter, I might claim some merit with this House, and with the public. It is the duty of every Member of Parliament to support the Government of the country as far as he can; and I am not afraid to avow, that I have often written upon the revenues and resources of this country, and I shall ever be ready to avow it. As to my statement of the revenues, so different from that of the gentlemen opposite me, I will pledge my salvation upon the truth of my account, unless they will prove, that Lord Cornwallis has transmitted false accounts from Bengal. Look to the reports upon your table, and you will see, that when Mr. Hastings came to

the Government of Bengal, the whole resources of that Government were 313 lacks of rupees. Look to your Journals, and you will see, that when he quitted the Government, they were 520 lacks, and that now they are 530 lacks.* In opposition to this broad fact, is it not enough to make a man lose his patience, when he hears it asserted in the name of the House of Commons, that Bengal had declined during his administration? Sir, there is one other point that I must mention. The honourable General says, if I saw any thing wrong, it was my duty to state it to this House. Have I, Mr. Speaker, neglected my duty in this particular? On the contrary, I am afraid I have troubled you too often, but it is a point of so much consequence, that I do hope the time will come when gentlemen of more importance will take it up; for it is a point in which the honour, as well as the justice of the House, is deeply interested.

I am afraid, Mr. Speaker, that I have tired and disgusted the House by so often repeating the same remarks; and so far have I been from neglecting my duty, of which the honourable General accuses me, that I have been constantly upon the watch, and have seized every practicable opportunity to bring so important a matter before Parliament and the public.

I have told gentlemen, that though I cordially concurred in the statements made by the India Minister, they were directly contrary to the articles of Impeachment, and if the resolutions were true, what was said in our name in Westminster Hall must be false. I am placed in that situation, that I must stand or fall in the opinion of this House, and of my country, by the truth of what I have asserted.

* The account of the total receipts of the Bengal Government, the year preceding Mr. Hastings's accession to that Government, is taken from the fifth report of the Secret Committee (Mr. Dundas's). The account of the total receipts of the Bengal Government during the four last years of Mr. Hastings's Administration, is entered upon the Journals of the House of Commons. The annual receipts upon an average of three years, from 1781-2 to 1783-4, are five hundred and twenty-one lacks. Mr. Hastings resigned on the 1st of February 1785. This average therefore includes the three last years of his Administration. If what is contained in the Journals, and Mr. Dundas's Reports are true, the accounts stand thus:

Total resources when he left Bengal - - - - - - - - -	521 Lacks
Total resources when he arrived there - - - - - - - - -	313
Total annual increase during his Administration - - -	208 Lacks

Or more than two millions sterling. The last annual receipts, from 1786-7, to 1788-9, as entered in the Journals of the 3d of May, 1790, make the receipts five hundred and thirty lacks. These facts are unanswerable.

I have

I have repeatedly ſaid, within this houſe and out of it, that we paſſed thirteen articles without reading them. Did I act meanly or baſely by the Houſe? Did I l e in wait to entrap them? If I had acted ſo vile a part, I ſhould well indeed deſerve the indignation of this Houſe; but I defy the honourable general to ſay that I have ever put the caſe more forcibly out of the houſe than I have done in it. I warned the Houſe of what they were doing at the time they did it. I told them, I was ſure that if they read thoſe articles, they would never paſs them *. I cannot appeal to you, Sir, for the truth of this, becauſe you were not in the chair at the time, but I am ſure the gentlemen who ſit at the table remember it: I intreated, I implored the Houſe to read the articles before they voted them. Theſe articles are directly contrary to reſolutions upon your journals; they criminate the Directors and the King's Miniſters. Theſe articles denominate Hyder Beg Khan, the Miniſter of the Nabob of Oude, an implacable tyrant; and they alſo condemn Mr. Haſtings for putting ſo much power into his hands. Yet Lord Cornwallis tells you, for you have his letter upon your table †, that in his final arrangements he has nearly

* See Debrett's Parliamentary Regiſter, on the 28th of May, 1787, the day theſe thirteen articles were carried to the Lords.

† The following are extract copies of the papers here alluded to.

" Lord Cornwallis, 20th April, 1787.

" The only material difference which has taken place in the " engagements between this government and the Nabob Vizier, re- " lates to the brigade ſtationed at Futtyghur, the continuance of " which body of troops in the dominions of the Vizier, I deem " equally eſſential to the intereſt of the Vizier and the Company. In " other reſpects I have nearly adhered to the principles eſtabliſhed by " the former Governor General, Mr. Haſtings, and ſince confirmed " by the orders of the Honourable Court of Directors; all the ſub- " ſidiary arrangements have been formed with a view to ſtrengthen " thoſe principles, and render them permanent.

(Signed) CORNWALLIS."

Anſwer from the Court of Directors to Bengal.

8th April, 1789.

" Having attentively peruſed all the minutes, proceedings, and " letters referred to in theſe paragraphs, and in your ſubſequent ad- " vices on the ſubject of the late agreement concluded by Lord Corn- " wallis with the Vizier, we approve of the general arrangement, and " of the principles on which it was formed."

The approbation of this paragraph ſigned

HENRY DUNDAS.
W. W. GRENVILLE.
MULGRAVE.

 adhered

adhered to the principles laid down by the former Governor General, Mr. Haſtings.

All the ſubſidiary arrangements are formed, as his Lordſhip ſays, with a view to ſtrengthen thoſe principles and render them permanent. To this the King's Miniſters reply through the Directors, that having attentively conſidered the whole ſubject, and peruſed the whole proceeding, they approved of the general arrangement, and of the principles on which it was formed. What principles? why, Sir, the very principles which this Houſe, without knowing one word about the matter, has condemned; the principles which, when carried into practice, procure an annual ſubſidy of fifty lacks from the Nabob, which pays the expence of one third of our army. I hope the Houſe will excuſe me, if upon this ſubject I ſhould a little forget the moderation that becomes me; but the contradictions are ſo palpable, that, I own, I am loſt in aſtoniſhment, when I reflect upon them. Let not the Houſe be diſpleaſed with me for laying facts before them. Thoſe are to blame who have abuſed the generous confidence which this Houſe placed in them. Sir, I hope I ſhall not be accuſed of diſreſpect to the Houſe of Commons. I call God to witneſs I mean it not. The Houſe confided in their Committee; after agreeing to the impeachment, it voted the articles without diſcuſſing the particulars, and it has happened, that many acts are ſtated as criminal, which the Houſe has ſanctioned as highly meritorious in another character.

And now, Mr. Speaker, having entered into a full, and, I hope, a ſatisfactory explanation of my conduct, let me ſuppoſe, for a moment, that I have acted irregularly, or improperly in what I have done. To what I have ſaid I have put my name. Some proof ſurely that I meant to do no wrong. But admitting for a moment that I have been miſled: by whom is it that I have been miſled? by the gentlemen oppoſite to me; and I do confeſs myſelf at a loſs to diſcover with what degree of conſiſtency ſuch a motion, as is now propoſed, can come from ſuch a quarter. The honourable gentleman is pleaſed to compliment me upon my knowledge of my duty as a Member of Parliament. I do aſſure you, Mr. Speaker, it has been my ſtudy to acquire that knowledge, and if I have erred, it is by following what I thought juſtifiable precedents. I never could conceive, Sir, that a moderate, temperate examination of what is ſtated in a public paper, could have been conſtrued into a breach of privilege, but much leſs, Sir, could I conceive it poſſible, after peruſing the curious precedents that I ſhall now produce. I will not quote the common Parliamentary Debates or the newſpapers as authority, but I will aſk every gentleman

gentleman in this house, whether it has not been the invariable practice of gentlemen opposite to me, to arraign with the utmost freedom such acts of the majority as they disapproved; I mean in public meetings, in the shape of resolutions, &c.? But, Sir, I will now state to you certain curious facts; and first, I shall bring to your notice a pamphlet entitled, "Mr. Burke's Speech on the Motion made "for Papers 28th of February, 1785." In the title page there is a long Greek quotation, which I am not able to translate for you. Every thing contained in that speech, the gentleman had a right to say; but with what consistency he can support a motion against me, after publishing, many months subsequent to the speech, this pamphlet, I am at a loss to discover. Surely, Sir, it was no longer a speech, but, according to the law of this day, a libel upon Parliament. The first passage that I shall select, is as follows, and the House will see it is very much in the style of the gentleman's orations in Westminster Hall.

"Let no man hereafter talk of the decaying energies of "nature; all the acts and monuments in the records of pe-"culation, the consolidated corruption of ages, the patterns "of exemplary plunder in the heroic times of Roman ini-"quity, never equalled the gigantic corruption of this sin-"gle act. Never did Nero, in all the insolent prodigality "of despotism, deal out to his Prætorian guards a donation "fit to be named with the largess showered down by the "bounty of our Chancellor of the Exchequer on the faith-"ful band of his Indian seapoys." The next is a follows—"Your Ministers knew, when they signed the death warrant "of the Carnatic, that the Nabob would not only turn all "the unfortunate farmers of revenue out of employment, "but that he has denounced his severest vengeance against "them for acting under British authority. With a "knowledge of this disposition, a British Chancellor of the "Exchequer, and Treasurer of the Navy, incited by no "public advantage, impelled by no public necessity, in a "strain of the most wanton perfidy, which has ever stained "the annals of mankind, have delivered over to plunder, "imprisonment, exile, and death itself, according to the "mercy of such execrable tyrants as, &c. &c. the unhappy "and deluded souls, who, untaught by uniform example, "were still weak enough to put their trust in English faith." Does the House know who the Chancellor of the Exchequer is, and who is the Treasurer of the Navy, of whom the gentleman speaks so freely? The first is the right honourable gentleman (Mr. Pitt) below me on the floor; the second is a right honourable gentleman (Mr. Dundas) not now in his place, who is often denominated the Minister of

India in this house. Yet those are the terms he applies to two gentlemen, acting under the authority, and with the approbation of Parliament.

This gentleman then proceeds to argue with the utmost freedom, that an arrangement formed by the right honourable gentleman below me, (Mr. Pitt) under the sanction of Parliament, was a corrupt and scandalous bargain, in order to repay certain persons the expences they incurred, by bringing Members into this House at the last election; and will this gentleman vote against me, for my moderate discussion of a newspaper speech? Will this gentleman pass a vote of censure upon me for giving my reasons in support of an opinion that I can never give up, namely, that it was his intention not to close the prosecution of Mr. Hastings before the dissolution? He, who after stating an act to be flagrantly corrupt which was done under the sanction of the House, and the three branches of the legislature — he, who has assigned reasons for that act which never entered into the head of any human being but himself?

The next respectable authority that I shall quote, is from a pamphlet written by Richard Brinsley Sheridan, Esq. "A "Comparative View of the India Bills of Mr. Fox and "Mr Pitt, addressed to J. M. Esq. with eight stars, in "Staffordshire." In this the Acts of the House, and of the Legislature, are treated with the utmost freedom. I shall only select the following passages, because they will not tire the House:

1. "As to the declaratory law itself, and the plea which "was made for it, we seem to be perfectly agreed upon "that subject. The papers laid before the House of Com-"mons, certainly contain, as you observe, a complete re-"futation of all the pretences upon which the sending out "the four regiments to India was defended as a measure of "necessity. And still more strongly do I agree with you "in your remarks upon declaratory acts in general, and "upon the nature of this declaratory act in particular. It "is, indeed, an alarming and an unfortunate event in the "History of Parliament—for it is one that shakes the foun-"dation of that security which all men hope from law, and "of that respect which all men owe to it—to see the repre-"sentatives of the people persuaded to intercept the ordi-"nary course of justice, to assume themselves a judicial "character, and, upon the suggestion of the King's Minis-"ters, to determine a question of property, in favour of "the servants of the Crown, against the claims of the sub-"ject!

"Nor can our apprehensions of the consequences of this "precedent be diminished, by reflecting upon the manner

in

" in which the meaſure was carried through the Houſe of " Lords; by reflecting, that the ſupreme Court of Judicature in this country, ſhould have been induced by any " influence, or by any eloquence, or upon any plea of neceſſity, pretended or real, to decide, with unparalleled " precipitation, upon a conſtruction of law, in the abſence " of the Judges of the land, and without granting a hearing " to the parties intereſted in their deciſion."

2. " If it were worth reaſoning or arguing upon, it " would be no difficult matter to prove that this crooked " ſyſtem of involved myſtery and contradictory duties " could never have been meant for any fair purpoſe of good " government."

3. " Whether under this looſe and arrogant mandate, ſo " unlike the temperate preciſion of a Britiſh law upon ſuch " a ſubject, there is any one right, power, or property of " any ſort, left to the Company, may reaſonably be " doubted."

Here, Sir, Acts of Parliament are moſt freely ſpoken of. I do not ſay improperly, becauſe I approved of a fair and liberal diſcuſſion of political ſubjects; but how the honourable gentleman who wrote that pamphlet can vote againſt me, I cannot conceive. I truſt I may addreſs Mr. Woodfall upon a public ſubject with as much ſecurity as the honourable gentleman may write to a country gentleman in the county of Stafford, whoſe name he does not give us, and for whoſe place of reſidence he ſubſtitutes eight ſtars. The laſt authority that I ſhall quote, is that of the honourable General himſelf, who is alſo an author, and not a deſpicable one. When he was on bad terms with ſome of the gentlemen who ſit near him, he wrote the following paſſage in an addreſs to his conſtituents at Preſton:

" During the laſt ſeſſion of Parliament an inquiry was in- " ſtituted. The detail of the attempts made by Miniſtry to " defeat it, is too notorious to be neceſſary upon this occaſion. " They at laſt contrived that it ſhould be left imperfect." Is this no reflection upon the Houſe? In another place the honourable General ſays: " If the ſtate of the nation in its " wars, in its negociations, in its concerns with its remaining colonies, or in the internal policy and government of " theſe kingdoms, can afford the ſmalleſt countenance to an " opinion of integrity and capacity in adminiſtration, I am " ready to abide every cenſure, for being, what I am, a " determined enemy to it; I have been in a ſituation to ſee " that in a complicated and alarming war, when unſupported by any alliances, the kingdom was left ſolely to " its own native military force, that ſole reliance was diſcouraged and depreciated. I ſaw a ſyſtematical deſign of

" villifying

"villifying and disgracing every officer whom those Mi-"nisters had ever employed by sea or land; and those most, "who stood highest in their several professions. The ruin "of officers forms almost the whole of their military sys-"tem; and if I have experienced my full measure of their "hostility, it only shews the extent of their plan; having "furnished little else than my zeal and industry, as a title "to their malevolence. As to their political plan, its ob-"ject is to impose upon the nation from session to session. "Far from profiting themselves, or suffering others to pro-"fit by bitter experience, they exist by bringing forth a "succession of deceits. I cannot shut my eyes against my "own certain knowledge of some of the most fatal of these "deceits respecting America; nor restrain my just and na "tural indignation at their efforts, without forfeiting every "feeling for my country."

Let not gentlemen suppose, because I stop here, that the subject is exhausted. I hold in my hands twelve speeches and pamphlets, written by the right honourable gentleman, (Mr. Burke) and I will engage, that from each I extract expressions infinitely stronger than any which I have used upon any proceedings of the House of Commons. I deny that I have ever said or written a word disrespectful to this House. The House has been deceived and misled; that I have said, I say it again, and will prove it if the House pleases, by an appeal to your journals. The House confided in their Committee to draw up articles of impeachment—The Committee therefore has involved the House in contradictions, in so far as the articles condemn systems which Parliament has approved. I am much obliged to the House for their attention, and will only detain them a moment longer. It will be no justification to me if I have done wrong to prove to the satisfaction of those who are to decide, that my accusers are fifty times more guilty than I am. Yet, Sir, when I consider that the Charges originally presented by a right honourable gentleman, (Mr. Burke) and the articles were printed and publicly sold all over the kingdom, and that every circumstance attending the trial of Mr. Hastings has received a full discussion out of doors. I cannot but admire that I should be attacked by those who have made the present complaint to you. In one of the General's motions, he calls me now, or late, an agent of Mr. Hastings. I was in that character when he was abroad; I am not so now, unless he means as his warm and steady friend, who am ready to devote every faculty that I have to his service. So far as that I avow myself, but I deny that I wrote the letter complained of in concert with Mr. Hastings, or any other person. We reside in different counties, very distant from each

each other, and the letter I wrote on Sunday last, at my house in the country, from whence it was dated, nor was it seen by a human being till I delivered it myself into the Printer's hands on Monday, unless the first sheet, which, I believe, was laying on the table when one of my daughters came into the room. I am thus particular, Sir, because the honourable General insinuated that every thing was done in concert, and as part of a settled system. So in the case of Captain Williams; I solemnly declare that Mr. Hastings knew nothing about that matter. The moment I saw the attack upon him I did what I am sure he would have done by me; I sent him the paper, and answered in the mean time as far as came within my own knowledge. As to the poetry to which the honourable general alludes (the letters of Simkin) it is so excellent, that I fancy the honourable General reads it with pleasure; but I do assure him that the author of those verses is too independent both in mind and fortune, to act under the direction of any person, or from any other motive than his own conviction; and here, Sir, I trust my cause, having the fullest reliance upon the justice and candour of the House.

Major Scott then withdrew.

General Burgoyne — General *Burgoyne* moved his first general resolution, which was seconded by Mr. Grey, and agreed to by the House. He next offered to move his second resolution, directly charging Major Scott with having violated the law and usage of Parliament, and been guilty of a breach of privileges.

Mr. Sheridan. — Mr. *Sheridan* rose for the sake of the regularity of the proceeding, and observed, that he conceived that the House ought first to vote the letter of the honourable Member as printed in the newspaper, a scandalous and libellous writing, before they voted any thing personal to the author.

A motion was accordingly framed, and on its being read from the Chair,

Mr. Pitt. — Mr. Chancellor *Pitt* rising next, remarked, that although not any person could agree more heartily with the general principles laid down by the honourable General, nor would be more anxious than he was to preserve the privileges of the House from attack; (and if the paper, upon due consideration, should be found to bear out the construction put upon it, he conceived there could be no question, but that the censure of the House must fall on the transaction) yet, as a lax practice had obtained of late years, in respect to publications relative to the proceedings of Parliament, he submitted it to the candid judgement of the honourable General and his friends, whether it would not be more fair, not immediately to proceed to vote the paper a scandalous and libellous writ-

 ing,

ing, but to give gentlemen time to examine whether it was ſo or not, before they were called upon to vote it? However lax the rule had hitherto been, it was undoubtedly proper that it ſhould be enforced; but then, when the ſyſtem of ſtrict enforcement was propoſed to be adopted, he truſted every gentleman would ſee the propriety of doing equal juſtice, and would not think it warrantable, ſuddenly and precipitately, to apply it to a ſingle caſe without deliberation. He did not think it right to ſay what his opinion was, on the firſt hearing the letter in queſtion read; indeed it was ſcarcely poſſible for him to do ſo with any ſatisfaction to his own mind, or with any colour of juſtice to the party concerned; and therefore, he conceived it would be more proper for the Houſe in general to take the matter up with deliberation, and not on the impulſe of the moment, to vote either one way or the other. Under this idea, Mr. Chancellor Pitt concluded with moving, "That the debate be ad-"journed."

Mr. Fox. Mr *Fox* ſaid, that the right honourable gentleman had talked of the lax practice which had obtained in reſpect to libels on that Houſe, and its proceedings, as if they were about to depart from any eſtabliſhed rule of that Houſe. He was not aware that the rule had ever been departed from: he knew it had not been univerſally enforced, but whenever complaint had been made of a libel on the Houſe, or any of its Members, the rule had, he believed, been uniformly and regularly carried into execution. On the preſent occaſion, he hoped the motion would meet with a full diſcuſſion, and in a full Houſe; becauſe if ever there was a caſe particularly entitled to the conſideration of the Houſe, it was the caſe of an impeachment, and a trial upon it, the Managers of which had the ſtrongeſt claims on the Houſe for their protection and ſupport againſt all libels and libellers, and ſuch, he truſted, they would experience upon the enſuing Thurſday.

The queſtion of adjournment of the debate until the abovementioned day, was put and carried.

The Houſe adjourned.

Wedneſday, 26th May.

Mr. Chancellor Pitt moved, "That the act of the 29th "George III. cap. 41, (relative to Tontines) be read."

The act having been read accordingly, he next moved, "That the Houſe reſolve itſelf into a Committee on the ſaid "act."

The motion having been agreed to, the Speaker left the chair, and Mr. Steele took his ſeat at the table.

Mr.

Mr. Chancellor *Pitt* rising again, begged leave to remind the Committee, that the tontine had originally been proposed as an experiment, and, at the time, it had appeared to him a reasonable expectation, that it would have proved of equal advantage to the public and the subscribers. It had, however, turned out that this had not been the case, and that although the tontine originally bore a premium, it had since been at a considerable discount, and that, if persisted in according to the original terms, the individuals who had taken the whole of it must sustain a very considerable loss; an event which he had little doubt but that the Committee would feel it became them to endeavour to guard against, and the more especially, if any means of doing so could be suggested which would not militate against the public interest. The Committee would recollect, that when he had first opened the subject, with a view to affording the original subscribers relief, he had hinted at enlarging the time of nomination from October to April; but, upon mature consideration, it had appeared, that although such a measure would afford the original subscribers essential relief, it could not be adopted with perfect security to those persons who had been already nominated; and therefore, it had been considered as adviseable to push that proposition no farther. He meant to propose, as a different mode of relief, that any person possessed of a share of the tontine should be able to convert it into another stock, and the stock he meant to propose, would be a long annuity. He stated the period of the existence of the long annuity at present extant, to be about sixty-nine years, and the interest four pounds five shillings per annum, which, when reduced to calculation, would be found to be an exchange rather in favour of the Public. There were three principles to be attended to on the occasion: to afford relief to the original subscribers; to take care, that by the mode of relief adopted, the Public were no losers; and lastly, to secure to those who had already taken a share of the tontine, and had nominated lives, that the interest of those lives were preserved, and the public faith kept, by a due adherence to the original bargain. If these three objects could be reconciled, he trusted that no gentleman would have the smallest wish to oppose the means of effecting it. The plan he had to propose would, he was aware, appear rather complicated at first sight, but when examined and considered, he trusted that the mode of carrying it into execution and effect would be found to be easy and simple. It was not necessary for him, in that stage of the business, to go into a minute detail of the calculations on which his plan would be found to be practicable; it would suffice for him generally to state the outline, which was to

give those who held the shares of the tontine an option of exchanging it for long annuities, and to empower the Commissioners of the Treasury to nominate to the shares which might be vacant when the period of nomination to shares should expire, which would be in October next, and to hold the same for the Public. By these means gentlemen would see that faith would be kept with the persons whose lives were already interested, the original subscribers would be rescued from the risque they at present ran, in consequence of a speculation, which, *prima facie*, had undoubtedly been a laudable one, and the Public itself would be no sufferer. Mr. Chancellor Pitt concluded with moving a resolution, the purport of which was, to authorise the holders of shares in the tontine to have their share exchanged for an equal portion of long annuity, on application for that purpose to the head Cashier of the Bank.

Mr. Sheridan.

Mr. *Sheridan* observed, that he believed that he was justified in concluding that it had been evident to the House, on the right honourable gentleman's first stating of his design, to relieve the original subscribers to the tontine, that it was a matter of very great nicety. It was likewise evident, from what he had just said, that the right honourable gentleman had changed his plan, and abandoned the ground he had first taken; but he could not but think that the right honourable gentleman had overstated the risque which the original subscribers had encountered; it was true, that the tontine had been for some time at a discount, but it ought to be recollected, that when it first came into the market, it bore a premium; taking, therefore, both these matters into consideration, the subscribers might not have sustained so much loss as the right honourable gentleman seemed to wish to impress the Committee with an idea of. In fact, the more they thought upon the business, the more the difficulty of doing equal justice would be found to be, and he feared that it must ultimately be acknowledged to be insurmountable. The right honourable gentleman had made three propositions, first, that relief should be given to the original subscribers; next, that the Public should be no losers by affording that relief; and lastly, that the present holders of shares should have the same advantages secured to them, as they had a right to look for when they nominated to the said shares. It was, he admitted, clearly made out, that the first object would be answered by the right honourable gentleman's plan—that the original subscribers would be relieved, and also that the Public would not be losers; but it did not, Mr. Sheridan said, appear to him that the present holders of shares would have the public faith kept with them, or that they would remain in as advantageous a situation as they had a right to expect, consider-

considering the conditions of the tontine at the time when they subscribed for shares. Mr. Sheridan explained the grounds of his opinion, by stating, that if the Commissioners of the Treasury were to nominate to such shares of the tontine as should be vacant in October, they naturally would not name bad lives, but the very best which they could select; and in that case, the holders of shares, who might chuse to keep their shares, would not stand the same advantageous chance as they would, in all probability, have stood, had lives been promiscuously nominated, according to the original plan, when some purchasers of shares would have nominated themselves, others their children, others their connections and friends, as their own views of their individual interests, their whim, their vanity, their self-love, or any other prevalent motive of their minds might have dictated, and regulated them in their choice.

Mr. Chancellor *Pitt* expressed his belief, that if the honourable gentleman had examined his own objection, he could not but be of opinion that he would find that it did not apply. Mr. Pitt.

Mr. *Sheridan* answered, that he had stated a difficulty, not an objection; and the more it was examined, the more insurmountable he was convinced it would be found. He then re-urged his argument; and after asserting, that unless each individual holder of a share of the tontine would come and signify his consent to the proposed plan, he should consider the holders of shares in general to be injured, declared that he would reserve any farther discussion of the subject till the bill should be before the House. Mr. Sheridan.

Sir *Grey Cooper* remarked, that notwithstanding the singular faculty which the right honourable gentleman possessed of explaining the most intricate subjects with accuracy and precision, and notwithstanding the lucid order of his arrangement of periods, he did not clearly comprehend his meaning. If he had understood the right honourable gentleman correctly, he had said that his plan, though it would appear complicated at first sight, would be found easy and simple in the execution. He did not, from what he had heard, think that the latter part of this position could be made out; at any rate, he conceived that the case of the subscribers to the tontine ought to be shewn to be a particular case, of which there was no precedent, and which could not be made a precedent hereafter, before the plan proposed was adopted. Sir Grey Cooper.

Mr. Chancellor *Pitt* declared, that in regard to the establishment of a precedent, he should not be at all afraid of that, if ever a case should arise where the principle was the same, namely, that the subscribers to a fair speculation could not hold it, without its being extremely ruinous to themselves; Mr. Pitt.

that the Public had it in their power to afford relief, and at the same time not be losers; and that the interests of those at present engaged in the project could be adequately and effectually preserved and secured.

The question was put, and the resolution agreed to.

The order of the day for the further consideration of the report of the Slave-carrying Bill, having been read, the question was put for the second reading of the amendments made by the Committee.

Mr. Gascoyne. Mr. *Gascoyne* objected to the motion, declaring that he wished the bill to be re-committed, for the purpose of having a clause introduced for allowing vessels of a higher tonnage than 200 tons to carry slaves in the same proportion to the tonnage as was allowed by the Regulating act to vessels of that low tonnage.

Mr. W. Smith. Mr. *W. Smith* contended, that large vessels ought not to carry slaves in the same proportion as they were carried to the tonnage of smaller vessels, as large vessels did not, in the increase of their tonnage, increase proportionably in the superfices of their surfaces.

Lord Penrhyn. Lord *Penrhyn* observed, that unless large vessels had the indulgence proposed to be moved for in the Committee, the principal part of the trade would be abolished, the whole of that especially carried on at Bonny, which small vessels could not pursue.

Mr. Ald. Newnham. Alderman *Newnham* declared, that the attempt to drive the larger vessels out of the trade, which it was impossible to carry on by small ones, was an attempt to do that by a side wind which it was believed would not be counteracted by the House, if proposed directly. He deprecated the abolition of the trade in strong language, and stated his fears of the West Indians withdrawing their allegiance from this country.

Sir Wm. Younge. Sir *William Younge* condemned the attempt obliquely to abolish the trade, which he conceived that the driving the larger vessels out of it went to effect. If this country should be involved in a war with Spain, it would prove impossible to carry on any part of the trade with the smaller vessels; and the House would, under the pretence of regulating, wholly abolish the trade, at a moment when the French and Spaniards were offering fresh bounties for the importation of slaves into their islands.

The question being at length put, the House divided;

Ayes, 18; Noes, 23.

Majority 5 against the second reading.

The question for the re-commitment was next put, and carried without a division.

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The House immediately resolved itself into a Committee, Mr. Alderman Newnham in the chair; several amendments were made, and the proposed clause brought up and inserted.

Mr. Chancellor Pitt gave notice that he would oppose it on the report.

The bill having been gone through, and the House resumed, the report was ordered to be made upon the morrow.

The House adjourned.

Thursday, 27th May.

On the report of the Slave-carrying Bill being brought up,

Mr. *W. Smith* objected against the clause introduced the preceding day, for allowing large vessels to carry slaves, in the same proportion to their tonnage as was allowed to vessels of 200 tons and under. He commented on the evidence, and concluded with moving to leave out the clause. Mr. W. Smith.

Lord *Penrhyn* remarked, that if large vessels were restricted, as the bill originally stood, it must, in the present state of affairs, go to the abolition of at least one third of the trade, during a war, as none but large vessels could successfully carry on the trade to the river Bonny, and the parts of the coast adjacent thereto. By driving the large vessels out of the employ, a considerable support and protection to the trade would be lost, the smaller vessels not being able to defend themselves from the attacks of pirates, while, by encouraging the large vessels, which carried in common thirty guns, and letters of marque, they were not only able to defend themselves, but to protect the smaller trading vessels. Should the House resolve to restrict the larger vessels, it would do away the necessity of bringing in a bill to abolish that trade, as that measure would effectually, though by a side wind, answer the purpose, as to a third at least of the whole trade. Lord Penrhyn.

Mr. *M. Montagu* observed, that the restricting the larger vessels was not a new measure, but had been adopted in both the Middle Passage bills of the two preceding years; he approved of the restriction, and was so far from thinking that the regulations on the trade were in a state to require relaxation, that he contended they were, at this moment, not sufficiently strong. Mr. M. Montagu.

Mr. Alderman *Newnham* lamented the injurious effects the commerce of this country had already experienced by the restrictions of the House on the trade, in consequence of which thirty-eight vessels were at this time laid up as useless in the single port of Liverpool; if commerce was thus destroyed, he declared he knew not to what source the Government were to look for their revenue. If the House should that day restrain the larger ships, they would, in fact, abo- Mr. Ald. Newnham

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lish one branch of the trade, and it was his belief that such was the intention of those who made the proposition. It was a lamentable circumstance, that the Minister, and the most leading men in that House, should unite to oppress the trade, the commerce, and navigation of the country; he dreaded the consequences that would arise in the West Indies, whose inhabitants, finding themselves oppressed by that House, might be induced to withdraw their allegiance from Great Britain; and if, on their being attacked by any foreign enemy, they should make but a feeble resistance, and surrender, the consequences thereof must be laid at the doors of those persons who had opposed the trade. There was an absolute necessity for slaves in the West Indies, and the islands would procure them, whether under allegiance to this country, or any other. The attempt to abolish the trade was brought into that House by zealots and wrong-headed men; the majority of the country, and the West Indians, were astonished at the countenance given to the proposition by that House, which to him seemed rather like the conduct of a field preacher, than the constitutional protectors of the interests of the country.

Mr. M. Montagu. Mr. *M. Montagu* rose to speak to order, considering the honourable Alderman to be wandering from the question before the House to the general question on the abolition.

Mr. Ald. Newnham Mr. Alderman *Newnham* contended that he was strictly to order, arguing against the proposed restriction as operating to an abolition. He considered it to be incumbent on the House to come to the final decision in the present session, and not to keep the persons concerned in the trade any longer in suspense.

Mr. Ald. Watson. Mr. Alderman *Watson* declared, that though an enemy to the abolition, he was for wise and humane regulations, and on a principle of humanity for the old clause, and against the new one; he considered the restricting large vessels to be proper, and should therefore give his vote for the bill as it originally stood.

Sir William Dolben spoke in reply to the observations advanced against the restrictions.

Mr. Pitt. Mr. Chancellor *Pitt* said, that the restriction had been originally made by the consent of the parties concerned, and adopted from actual admeasurement. He trusted that the House would not, on the prospect of a war, or on the actual existence of such a calamity, consent, for any temporary advantage, to countenance the oppression of the wretched inhabitants of Africa, by conveying them from their own shores in a way which, two years back, the House had prohibited as cruel and unjust. He should, thetefore, vote for the restriction.

Mr.

Mr. *Gascoyne* was against the restriction, and declared that he would take the sense of the House on the question. Mr. Gascoyne.

The House then divided, upon which there appeared, for the restriction,

Ayes, 95; Noes 69.

Majority 26 against the decision of the preceding night's Committee in favour of the trade.

The remaining part of the Report was then gone through and agreed to, and the bill ordered to be engrossed.

As soon as the division was over, Mr. *Wigley* rose, and begged to be heard on the part of Major Scott. Mr. Wigley.

The *Speaker* desired, for the sake of regularity, that the order of the day might be first read; which having been read, The Speaker.

Mr. *Wigley* signified that, previous to the House proceeding to resume the debate, Major Scott wished to be permitted to add a few words to his defence; which being immediately granted, Mr. Wigley.

Major *Scott* entered, and taking his seat, desired that he might be allowed to trespass upon the patience of the House with some short remarks concerning a point in which, from what had been mentioned to him by some gentlemen, he conceived he had not made himself sufficiently understood the other night. He had meant to state, in the speech which the House were so indulgent to hear, that nothing was ever farther from his thoughts, than to do an act which should give offence to the House of Commons, and to express his concern, if what he had done should have that effect. At the same time, however, he must beg leave to state, that though not a very old Member of Parliament, he had been diligent in an attention to his duty; that he had observed, upon many great and important subjects agitated within those walls, that House had waved its privileges, or, at least, had for a long time forborn to execute them; and in no one public matter more than in the impeachment, and in all the discussions that led to it. Were not the charges as originally presented by a right honourable gentleman (Mr. Burke) publicly sold, almost as soon as the copies were printed for this House? The articles the same. Was not a very curious letter, signed by all the Managers, and sent to Mr. Francis, also printed in the newspapers? Every debate that led to the impeachment was published, and every day's proceedings since the trial began, in more than two or three editions. He had taken the liberty to state the other night, a variety of other publications, and one in particular from a right honourable gentleman, (Mr. Burke) in which he had described the conduct of the Minister as more corrupt than Nero's, and all the tyrants of antiquity and Major Scott.

modern days put together. This was a publication cooly issuing from his closet five months after he was supposed to have spoken it in this house. It was therefore a libel upon two right honourable gentlemen (Mr. Pitt and Mr. Dundas) and upon the House. It called an act of the Legislature "a corrupt act," and ascribed the conduct of those gentlemen to a desire to repay certain gentlemen the expence they had incurred in bringing Members into this present Parliament. The Major concluded by saying, that if he had acted wrong, he should feel as much concern as any man, but he had done so by following the example of those gentlemen who had made the present complaint.

The Major having withdrawn, the Speaker read the following motion from the chair:

"That it appears to this House, that the letter published "in the Diary, or Woodfall's Register, of May 18, is a "scandalous and libellous paper, reflecting on the honour "and justice of the House, and on the conduct of the ma-"nagers appointed to conduct the impeachment now pen-"ding against Warren Hastings, Esq."

Mr. Wigley.

Mr. *Wigley* said, that conceiving the apology made by the honourable Member to have been sufficient for the offence, he felt it his duty to object against the motion as needless. He declared himself to be always ready zealously to maintain and defend the privileges of the House, but in so doing he wished to make a distinction between a wilful breach of privilege, and a breach which might have been occasioned by the remissness and relaxation of the House as to the exercise and enforcement of their own rules. Every day afforded a proof of the remissness of the House, by the statement in the public papers of their proceedings. The honourable gentleman had, in the present case, only answered an account of a speech which had been given the day before in the same paper, and being anxious to contradict assertions he believed to be false, he had fallen into the error complained of. He acknowledged that this was no excuse, but he wished it to be considered as an extenuation which might induce the House to receive as sufficient the apology which they had heard from the honourable Member; especially as the rule of the House had not been observed with the rigour now proposed for near a century. If the House, however, should deem it proper to notice the libel complained of, they would not do justice, unless they should enter into an inquiry and institute a similar proceeding against the various libels produced by the honourable Member on the preceding Friday, which he (Mr. W.) would give them an opportunity of doing, by moving to enter into a Committee for that purpose. Having declared that he did not say this as a threat

threat, he made a few observations on several of the rules and orders of the House, and particularly on that which resolved th t the admittance of strangers was a breach of privilege, which breach of privilege had, he observed, for several years, been wholly disregarded. Would it, he asked, be considered to be just an reasonable if the House should, after admitting strangers, o der the doors to be locked, and direct their Serjeant to take into custody every stranger present? He wished to compare that case with the present Mr. Wigley reminded the House, that they had no proof that the honourable Member was the author of the libel except by his own confession, and he would appeal to every lawyer on both sides the house, whether a confession ought not to be taken altogether, that the party might have the benefit of the whole of it. Had the word false made a part of the motion the House must necessarily have gone into a Committee to enquire into and ascertain the fact before they had proceeded. In that case, there might have occurred great difficulties. He declared, that whatever should be the decision of the House, he had no doubt but that it would be proper, a d though but a young Member, he knew his du y too well not to acquiesce in it, let it be what it might.

Mr. *Burke* observed, that it was with equal indignation and astonishment that he discovered that, instead of an apology, instead of the honourable Member's indication of repentance, the House had been additionally insulted by an audacious avowal of the libel, and a direct re crimination upon the Members of the Committee of Managers! For his part, and he doubted not but that he spoke the sentiment of the Managers in gener l, he equally defied the honourable Member, his friend, and his friend's friend, and all which they could effect. The argument of the honourable gentleman tended to cut up the privileges of the House by the roots, because, if every breach of privilege was to be prosecuted, it would do more harm than good. There was scarcely a man in that House who was not every day guilty of some breach of privilege or other, but the House shewed its wisdom and its prudence in passing over a great number of breaches of privilege, and noticing such only, as, from their nature absolutely demanded the notice of the House. Did not every man know that, in cases of assault, from the mere laying a finger on another, down to direct murder, each was equally an assault; but would any person in their senses recommend the proceeding upon the Stoics pri ciple, and punishing every assault, the slightest as well as the most atrocious equally? In like manner, the present question was not what breaches of privilege had passed unnoticed, but whether a most atrocious libel on their honour and justice Mr. Burke.

 ought

ought to escape the vengeance of that House; the libel in question was a direct attack on the managers of a prosecution of the most solemn nature, instituted by the authority of the House, while they were endeavouring to bring a criminal, loaded with an unexampled mass of crimes, to justice. Would the House suffer the delinquent to use his unjustly acquired wealth in slandering the means by which he was to be brought to justice? It was not the matter of the libel but the vehicle of it which he condemned. With regard to the publication of speeches, the practice had obtained from the time of Lord Clarendon to the present day; and when discretely exercised, no harm could result from it, but, on the contrary, much good might accrue to the public, who ought to be informed of what passed in that House, and it would prove for the wisdom and prudence of the House to decide what should, or what should not, be published with impunity and without notice. A very distinguished Member of that House (the late Mr. Grenville) had, by the publication of a celebrated speech of his on the Middlesex election, recorded his constitutional principles for ever, and he had reason to believe that the practice was occasionally, and with great propriety, followed by some of the family to this day. Mr. Burke next recurred to his animadversions on the conduct of Mr. Hastings and his agents: while the managers of the impeachment were discharging their duty to the House, and accusing the principal, his agents, he declared, were accusing his accusers, and the libel complained of was nothing more than the last of a long list of libels systematically manufactured by Major Scott, who had not yet said a word of all his other libels, though they were matters of the greatest notoriety. As a proof that the letter in question, flagitious as it was, was not the most atrocious of all, Mr. Burke begged leave to produce and read a paper, stating its contents to be the words of a conversation between Major Scott and a noble Lord, (Dover) when Major Scott delivered to that noble Lord the petition of Mr. Hastings to present it to the House of Lords. The words used by Major Scott, as Mr. Burke read them, were, that "the whole of the "proceedings on the part of the Managers had been in the "highest degree iniquitous, cruel, and unjust." Mr. Burke commented upon the criminality of such a declaration as coming from a Member of that House. He said that it was a most flagitious and outrageous libel on the Managers. What was a noble Lord, one of the judges, who were to decide upon the cause in the conduct of which they were employed, to think of them, when they were called to carry on that cause, and a Member of the House, who were the prosecutors, came down from the place where he had

voted

voted the prosecution, and told one of the Lords, that he was not to credit the words of the Managers, because their motives were "iniquitous, unjust, and cruel?" Mr. Burke solemnly declared, that he laid out of the question all which concerned himself; and most men were deemed partial in their own cause, and it was right that they should be so considered; but he was indifferent to all that related to him personally. He had for ten years together, from the year 1780, been employed in the work of the trial, and from the arrival of Major Scott in England, he had been the object of the libels poured forth in such torrents against him; but that House had answered them effectually, by appointing him a Member of a Select Committee to detect Indian delinquencies; at a subsequent period by granting him additional powers, afterwards by sanctioning the produce of his labours, and lastly, by adopting the charges, and instituting the impeachment. Their conduct in this last respect was a complete refutation of all the calumny and scandal so industriously heaped upon him. But now these harpies were not content with shedding their filth on him singly, but they dared presumptuously to make the House parties, and to arraign the justice of its proceedings. For his part, he entertained an utter contempt for the whole gang of those who called themselves the friends of Mr. Hastings; but the House could not, in consistency, and from considerations of what was due to their own honour, disregard, what he was satisfied, was part of a system to cover the frauds, perjuries, and villanies of the delinquent, and an attempt to turn into ridicule matters the most serious and awful. Mr. Burke declared, that the strongest sign of a depraved mind was the being able to break a wicked jest upon the most grave and important matters. It stood forward as a proof that the wickedness of a nation was rooted, and that notions of propriety and decency were lulled to a lethargy and abandoned. Mr. Burke read the extract from the testimonies adduced in the Benares charges, and asked if such horrid barbarities, as it stated, were fit subjects for mirth or ridicule? Having contended that if the extract he had read was an invention, it was no invention of his, and having descanted on the affair of Deby Sing, which he declared himself ready to prove there or any where else, Mr. Burke professed himself a sincere friend to the liberty of the press, considering it as a sacred thing, and the main pillar of the constitution; but he asked, was it a proof of the liberty of the press to suffer the agent to a criminal to libel the justice of that court, before which the criminal was on his trial? He was satisfied that the House was not base enough to separate themselves from the Managers, and set them like raggamuffins led to a post

of danger, where they would be well peppered, without standing forward in their defence He was not afraid of the liberty of the press, neither was he afraid of its licentiousness; but he avowed himself afraid of its venality. Mr. Hastings was abl to buy up all the newspapers, and he had heard from what he d emed good authority, that 20,000l. had been expended in the publication of Mr. Hastings's libels. With regard to the Honourable gentleman's threatened Committee of Inquiry into the libels published of late years, he was ready to meet the whole phalanx of India delinquents wit their associates upon that subject. It was absolutely necessary that the House should proceed, as he knew it to be one of the floating opinions abroad, that the House was against the prosecution continuing any longer. If they were, they ought to have resolution enough to declare it and discharge their Managers; if, on the other hand, as he believed was the fact, the report was wholly without foundation, he was ready to go on, and to wear himself out in their service, for he thought it the most honourable one in which any man could be employed. But it behoved them to act firmly that day, since he defied any Member to produce a instance in the history of this country, while the House of Commons were prosecuting a most powerful delinquent, of the Managers of such a prosecution being libelled by one of their own body. He ran* through a long catalogue of enormous crimes, all of which he imputed to Mr. Hastings, and he defied the united calendars of jail delivery throughout the kingdom, to produce a list of offences in any proportion in point of foulness and atrocity. Major Scott, he observed, had denied that he was agent to Mr. Hastings at present. What was he then? He was either agent or something more; he was Mr. Hastings himself Their sexes, names, characters, and constitution, were confounded If he went to the India Houses he saw Major Scott copying out papers, and paying money for Mr. Hastings; at the House of Lords he saw Major Scott presenting a petition to a noble Lord, signed Warren Hastings, which Major Scott had afterwards told them, in that house, was his drawing. At their own bar they had seen articles of defence exhibited by Mr. Hastings, who had made it his boast that he had drawn those articles in fi e days, in answer to charges which had cost him (Mr. Burke) as many years to prepare, and afterwards, when Mr. Hastings's counsel expressed their dissatisfaction at those articles, Major Scott came into Westminster Hall, and said that he and others wrote them; the true name of Mr. Hastings therefore must be Legion, since every thing was done by Scott and Co. Mr Burke declared that he was not afraid of any of the libels to which he had alluded;

alluded; for they were not remarkable either for the elegance of their style, the beauty of their composition, or the force of their arguments; but such as they were, they called for the vengeance of the House, and especially the daring libel then in question, that they might mark to the whole world, their detestation of the system practised by the criminals of India, to defeat the justice of that House and of the nation.

Mr. Chancellor *Pitt* observed, that in the course of the few remarks with which it appeared requisite that he should trouble the House, he meant to lay aside many of the topics introduced by the right honourable gentleman, as wholly foreign to the matter contained in the paper complained of, and which, consequently, could have no connection with the immediate subject of the debate; he should also pass over every consideration of the other libels which the right honourable gentleman had mentioned, because it was impossible for him, standing up in that House, to know any thing of them, unless by a regular complaint they had been brought upon the table. In like manner, he should take no notice of the right honourable gentleman's aggravation of the facts contained in the charges which formed the articles of impeachment; those facts being now under the consideration and subject to the decision of the proper tribunal, of course could not be the proper subjects of discussion at present in that House: but with regard to the other arguments of the right honourable gentleman, he had not at all changed his opinion since he had declared that he thought there was matter in the articles fit for that House to subject to the investigation of the House of Lords, and to carry up to their bar in the shape of an impeachment. No circumstance which had since transpired having occasioned him to alter his sentiments, he necessarily declared, that he thought the House bound in justice, and in discharge of its own honour, to give every proper support to the trial, and to the Managers, whom they had authorised to carry it on. The proceeding was a serious proceeding, and it ought to be conducted with all the solemnity which such a proceeding necessarily demanded; he therefore was disposed on all occasions, to give every support to the Managers which a consideration of the justice due to others would admit; and whenever they had applied for the protection of the House, the House had been always ready to give it, excepting in a single instance, where, upon the application of an individual, it had appeared that he was, from his peculiar situation, entitled to their first consideration. Gentlemen, Mr. Pitt said, would easily perceive that he alluded to the application of Sir Elijah Impey, who certainly was in justice entitled to the interference of the House in the

Mr. Pitt.

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manner in which it had interfered. With regard to the principal charge contained in the paper complained of, it was impossible to go into discussion, because it was either a question of opinion or a question of intention, in neither of which cases could any one man judge for another; not that he meant by this remark to fix any imputation on the right honourable gentleman as to the matter alledged in the paper; no man more readily acquitted the right honourable gentleman of a pre-determination not to close the prosecution in the present session of Parliament. It was equally unnecessary to investigate the truth or falsehood of the libel complained of; it was sufficient to read the paper to see what it was, and there could not be a doubt but it was a libel on the Managers of a prosecution authorized by that House, and therefore, he readily admitted that it was a breach of the privileges of the House. The only question, therefore, was, in what manner it ought to be taken notice of. The general purport of the motion he was ready to agree to, but it did not strike him what part of the libel would support the words "highly "reflecting on the honour and justice of the House." That did not appear to him to have been made out. With regard to the libel itself, as there had certainly been for some years a relaxation of that House, in the practice of maintaining its privileges so rigidly as formerly, and many libels highly reflecting on the House had passed unnoticed, though such a circumstance, undoubtedly, was no justification of the paper complained of, yet every candid man, he should conceive, would readily agree, that it ought to weigh in mitigation of the offence; and therefore he would recommend it to the House to take the matter up with temper and moderation, rather with a view to mark their disapprobation of such publications, and to hold out a lesson to persons to avoid incurring their displeasure in future, than by any unnecessarily harsh proceeding, to give the world reason to suppose that the motive was founded in personal resentment, or any thing that could be construed into a vindictive feeling, neither of which, he was persuaded, had the smallest influence on the minds of any one gentleman of that House on the present occasion.

Mr. Fox. Mr. *Fox* expressed his astonishment that any person could entertain the smallest doubt, that a libel like that complained of, being directly levelled at the Managers acting under the orders of the House in the prosecution of an impeachment, authorized and instituted by the House itself, was not a libel in defiance of the honour and justice of that House, and the most proper of all others to take up. A libel on the House itself was not of nearly the same dangerous consequence, because the House was armed with sufficient powers to protect itself;

itself; but a libel on the Managers might be considered as a libel on individuals, who were, comparatively speaking, helpless, and not having the power to protect themselves, must necessarily look to the House for protection. He reprobated the argument of Mr. Wigley, that the House ought to take notice of, or prosecute every individual breach of its privileges, or not to prosecute them at all. In either case, the House would act most unwisely; it was by a prudent exercise of their discretion, and by distinguishing the nature of one breach of privilege from another, that they would best preserve their privileges. Were they to prosecute in all cases of breach of privilege indiscriminately, their whole time would be spent in criminal proceedings, and the House would become a nuisance to the country, instead of a security to its liberties. If, on the other hand, they were to fall into the other extreme, and prosecute in no instance, the House would incur the public contempt, and become altogether useless. It was, therefore, a poor extenuation of any stated offence, to say that the House had neglected to take notice of other libels on the Managers, and therefore it ought to be peculiarly mild in the mode of punishing the author of the libel now complained of. Was its merciful remissness in some cases any reason why it ought not to proceed with severity in cases of breach of privilege the most flagrant and outrageous? Was it an argument which would be borne in a Court of Justice, if, on a prosecution for a libel against him, it was to be said that Mr. Fox bore a torrent of libels for fourteen years together with patience, and therefore enticed the libeller, as it were, to publish one more? On the contrary, would it not be considered, that his forbearance so long had heaped upon his libeller a debt of gratitude, which aggravated his crime, if after so long a forbearance on the part of Mr. Fox, he at last thought proper to prosecute. For his part, it had been his lot, and that of his right honourable friend, to have been libelled grossly for the greater space of their political lives; but they neither of them had thought it right, from prudent motives, to take any notice, except in a single instance or two, of the libellers, and feeling that their prosecuting might be attended with rather worse general consequences than the libels did them harm, they had treated the libels and their authors with scorn and contempt; but the case was widely different between a libel on individuals in their private capacity, and individuals sanctioned by the authority of that House, and acting as Managers of an impeachment, instituted by that House. Neither was the fact true, as the honourable gentleman who spoke first in the debate, and the right honourable gentleman who had just sat down had supposed, that the House had relaxed in supporting its

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privileges, by not taking proper notice of such breaches of its privileges as had appeared to deserve their notice. As often as a complaint had been made, the House had grounded a proceeding upon that complaint. On the subject of the present impeachment only, the paper now complained of was not the first, the second, nor the third libel, which the House had taken notice of, but the fourth that had been stated to it. The Morning Herald had been ordered to be prosecuted by order of the House for a libel. Another paper had been ordered to be prosecuted, and Mr. Stockdale had likewise been ordered to be prosecuted; it was true, that Mr. Stockdale had been acquitted; but that did not alter the present argument: and the printer of the World had been prosecuted likewise by order of the House, and convicted recently, within this day. It was not true, therefore, that this House had abandoned the defence of its privileges, by neglecting to punish breaches of them. With regard to the degree of criminality between Mr. Stockdale, or the printer of a newspaper and Major Scott, there was no comparison. A bookseller and newspaper printer could be supposed to have no personal view in the libel they published, and could only act upon public principles in the way of their profession and trade; but Major Scott had no excuse of that kind; being a Member of Parliament, as the right honourable gentleman had well stated it, he had an opportunity of making any complaint against the Managers, which he thought that their conduct deserved; he might have done so fairly and openly, and had no occasion to libel the Managers from one end of the kingdom to the other. If ever a libeller had justly called down the heavy vengeance of the House, it was Major Scott; who, from the commencement of the proceedings on the impeachment, had systematically traduced and vilified the Managers. As an argument of mitigation had been grounded on the Managers having, for two years together, suffered themselves to be libelled day after day with impunity, it was fortunate that they had at length taken up the matter; for, had they suffered it to go on for two years longer, that might have been holden to constitute a justification of any libel against them whatever. Was it not enough for their libellers that they might drag forth every transaction of their private lives, that they might enter their dwellings, expose the weaknesses that men might naturally be imagined desirous of concealing, and, in short, trace out every single circumstance of their conduct to ground a charge of traduction upon; but they must attack them when acting in the capacity and character of Managers of an important criminal prosecution, endeavouring to bring a great delinquent to justice, and while they were employed by the authority of that

House

House in a great judicial proceeding, upon the event of which the future happiness of millions depended, and possibly, the existence of the constitution, as it was intimately connected with that House enjoying the free exercise of its inquisitorial powers, which, he contended, were stricken at by the libel in question. Mr. Fox said that he was glad to find that he was likely to have the vote of the right honourable gentleman on the present question; he agreed with the right honourable gentleman in the greatest part of his arguments, but could not help differing altogether, as to the latter part of his speech, with regard to the propriety of a gentle censure; so convinced was he that the contrary ought to be the case, that invidious as it might appear, he should vote for the severer mode of proceeding.

Mr. *Dundas* observed, that he rose merely to remark on certain parts of his right honourable friend's speech, which the right honourable gentleman, who had just sat down, had completely mistaken. The right honourable gentleman had talked of the forbearance of an individual, and had added, there arose out of that forbearance to punish his libeller a debt of gratitude which made his again libelling him the more atrocious offence. Undoubtedly, the argument was true; but the forbearance of an individual had been no part of the argument of his right honourable friend, who had argued on the forbearance of that House of late years in almost all cases of libel whatsoever touching its proceedings, a fact which was undeniable, and which had been exemplified in a variety of instances. Another matter upon which the right honourable gentleman had laid great stress, made it necessary for him to take notice of it, in order to guard against an improper impression going abroad, and therefore, he hoped that when the right honourable gentleman took such pains to point out the enormity of a libel on the Managers of the impeachment, he did not mean, either on his own part, or on the behalf of the other Managers, to lay it down as a rule to be observed without doors, that no other libellous attack on that House, on its proceedings, or on its Members, ought to be seriously treated, or taken notice of. [Mr. Fox said across the table, most undoubtedly he had no such meaning.] The reason why Mr. Dundas had thought it necessary to observe upon this, he declared, was, that the right honourable gentleman had stated such a variety of excuses for libels upon the House of a different nature, that he feared that if he had suffered what he had said to have passed unnoticed, it would have gone abroad as a doctrine laid down upon the authority of the right honourable gentleman, that an impeachment and the Managers of it, and all that related to them, were the only subjects on which a libel ought in that House to be deemed

Mr. Dundas.

criminal. The fact undoubtedly was, that scarcely a session had passed of late years, without producing one libel or other on that House, or upon individual Members, which had not been at all seriously noticed. No later than a day or two after the debate on the motion for the repeal of the Tobacco bill, a meeting was holden at the St. Alban's Tavern of the Tobacco manufacturers, who sat down and drew up a set of resolutions, containing some of them as gross a libel on the proceedings of that House, and on several Members for words spoken by them in their places, as ever was printed. They had done him, Mr. Dundas said, the honour to make him the object of one of the resolutions, grounded on a misrepresentation of his argument; but he had taken no notice of it, and that, because on reading it, he had not found himself angry enough with it to make it a subject of serious complaint, and for the same reason he had passed by a variety of other libels against him. It was notorious, that of late years the newspapers had gone as far as if those who conducted them thought, if he might use such a phrase, that there ought to be as much freedom of debate in newspapers as in that House. Mr. Dundas declared it right to say thus much in answer to what had fallen from the right honourable gentleman; but in regard to the general principles stated by the right honourable gentleman, he agreed with him in every one of them. The House having authorised the prosecution of the impeachment, they were bound to support the Managers, who were entitled to claim protection, and they must have it. No gentleman could be ignorant that the conduct of the impeachment was a very arduous task, that the Managers had many difficulties to surmount, and a variety of obstructions to encounter. In proportion, therefore, as the task was arduous, in proportion as difficulties presented themselves, and in proportion as obstructions and impediments occurred, in the same proportion ought that House to grant the Managers their fullest countenance and support. This ever had been his opinion, and as often as he had heard the Managers call for support, so often he had been ready, for one, to grant it. With regard to the present case, it was undoubtedly a libel upon the Managers; but although he would agree with the motion, declaring it to be a libel, yet when the particular situation of the honourable gentleman who had avowed himself to be the author, was recollected; when a due allowance was made for the honourable gentleman's zeal for his friend, and various other circumstances which belonged to his character, were considered, although they could not legally or properly plead as a justification of the letter, they nevertheless, in his mind, ought to go a great way in extenuation.

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The question was then put and carried without a division.

General *Burgoyne* now rose to move, General Burgoyne

"That the said John Scott, Esq. being by his own acknowledgment the author of the said letter, is guilty of a "violation of his duty, as a Member of this House; and of "a high breach of the privilege of this House."

The question having been put from the Chair,

Mr. Chancellor *Pitt* said, unless it was meant to follow up the motion with some other question, or to ground some other proceeding upon it, the motion now proposed must either be nugatory or unnecessary, because the sense of the House could not be more strongly marked as to the nature and contents of the paper complained of, than by the words of the motion which had already been carried. If the motion then proposed was meant to be followed up by some other, it would be but fair in the honourable General, as gentlemen would then be enabled to judge how far it would be right in them to vote for the present motion, to state to the House the nature of his intended subsequent motion. Mr. Pitt.

General *Burgoyne* avowed, that this part of the business had somewhat distressed his feelings, and that having brought the matter formally before the House, he had hoped that it would not have been improper in him to have left it to the judgement of the House, and that some gentleman of greater weight and ability than he could pretend to, would have proposed the punishment which should appear to him the most adequate to the offence. But he was not a man to shrink from his duty, however disagreeable to his feelings, and he had it originally in his intention to have moved a vote of censure, which he should yet do if called upon. The motion would be, that "John Scott, Esq. for the said gross "and scandalous offence, be reprimanded at the bar of the "House by Mr. Speaker." General Burgoyne.

Mr. Chancellor *Pitt* admitted, that after having voted the letter complained of a scandalous and libellous paper, he could have no objection to the author's receiving a reprimand. He should therefore agree to the first of the two motions, provided it were amended, and the words "gross and scandalous" omitted. His reason for wishing for this amendment was, that although he saw no objection to applying the word "scandalous" to the matter of the libel, yet when they came to apply it to the person of a gentleman who was a Member of that House, it might carry a construction, which he should imagine went far beyond the meaning of the honourable mover of the question. With regard to the reprimand, he had no other objection than the words "at the bar of that House." It was usual, he believed, generally to reprimand Mr. Pitt.

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gentlemen, who were members, in their places, and he should hope, that there would be no objection to alter it accordingly.

This gave rise to a short conversation between Mr. Chancellor Pitt, Mr. Fox, General Burgoyne, and Mr. Burke. The three latter declared that they would omit the words "gross and scandalous," not having intended that they should carry the construction to which the right honourable gentleman seemed to think they would be liable.

Mr. Jekyl. Just as the question was about to be put, Mr. *Jekyl* rose, and after solemnly appealing to the feelings of the House on different grounds, declared that he had reason to believe that the sentiments of many gentlemen would go with him, when he proposed the previous question, in order to prevent a question so personal from being put.

Sir W. Lowther rose to second the motion.

Mr. Pitt. Mr. Chancellor *Pitt* declared, that painful as it was to him to differ from his honourable friend, he could not, on the present occasion, but be of opinion, that the House having voted the letter a scandalous and libellous paper, ought not, with any regard to the consistency of their proceedings, or their own honour, to let the matter stop there, but that they were bound to follow it up with something, which, though founded in moderation and leniency, should serve to mark their disapprobation of any such publication, and to hold out a lesson for the future.

Mr. Wigley. Mr. *Wigley* observed, that well as he wished the honourable gentleman, who was the object of the motion, yet having professed himself determined to support the privileges of the House, he could not but think the present motion ought to pass, and he should vote for it, under the confident expectation that the known humanity and tenderness of the honourable General's mind, as exemplified by his conduct in private life, would induce him to move for as mild a censure as the forms of the House would admit.

Mr. Jekyl and Sir W. Lowther having agreed to withdraw their motion, and the House consenting to it, the previous question was not put, but the motion of General Burgoyne, as amended, was carried.

General Burgoyne. General *Burgoyne* then rose to make his third motion, and observed, that notwithstanding the personal compliment which had been paid him by the honourable and learned gentleman over the way, he must adhere to his original motion, "that John Scott, Esq. be reprimanded at the bar of the House." The General declared, that considering the magnitude of the offence, he conceived that he had moved a punishment extremely mild, and he was convinced, that in

former

former times, a much more severe punishment would have been proposed.

As soon as the question was read,

Mr. *Burke* said, that he could most sincerely assert, that he came down to the House, that day, in a temper as cool and governed as that in which he then spoke; that he had wished the measure of punishment proposed should be as lenient as consistent with the maintenance of their own honour and dignity, and consistent with the support which the Managers of a prosecution had an undoubted right to claim from the House. A right honourable gentleman (Mr. Chancellor Pitt) had been pleased to observe, that he would lay out of his consideration a variety of topics, which he (Mr. Burke) had introduced, and which, the right honourable gentleman considered as foreign to the subject. But the right honourable gentleman, neither had laid out of his consideration all which was not to be found in that letter, nor ought he to have done so. He alluded to matters that, in his opinion, should weigh with the House in mitigation of the honourable Member's offence. If that were just, it would be equally warrantable for him (Mr. Burke said) to insist on the matters of aggravation of the honourable Member's crime, and the greatest aggravation he held in his hand: an account of the conversation which Major Scott had with Lord Dover, one of the Judges who was to decide on the charges that constituted the Impeachment. That was by far, a greater libel than the paper now complained of, because it directly and broadly attacked the honour and justice of that House, declaring, that the whole of the proceeding on the part of the Managers was "in the highest degree iniquitous, cruel, and unjust." It was evident, that although the right honourable gentleman (the Chancellor of the Exchequer) had been so nice in regard to the epithets applied to Major Scott, Major Scott had not been equally sparing of epithets applied to the House and the Managers. Mr. Burke laid great stress on this transaction, which, he said, had he been aware of, he would have made the ground of complaint, rather than the letter in the Diary, as he considered it to be the most audacious libel he ever had heard of. With regard to the plea of Major Scott's being the friend of Mr. Hastings, he knew nothing of it, nor did the House. They had known Major Scott as the agent of Hastings, and therefore he had no doubt, but that Hastings himself was the libeller: he mentioned the petition to the House, which Major Scott had told them was his drawing. He adverted again to the defence which had been stated at their bar, and afterward denied; and concluded with declaring, that he knew that the natural mildness of his honourable friend's disposition would Mr. Burke

incline him to prefer a lenient, rather than a harsh punishment; that he had, if any thing, exceeded his expectation in this respect, and that although he could not but think the proposal to reprimand Major Scott at the bar of the House by no means an adequate punishment, he ascribed it to prudential motives, a propensity to tenderness, and an attention to the times, rather than to his honourable friend's opinion, that it was equal to the demands of justice.

Mr. Pitt. Mr. Chancellor *Pitt* moved, by way of amendment, to leave out the words "at the bar of the House," and insert the words "in his place."

This amendment having been stated from the Chair, and the question put, that the words "at the bar of the House," stand part of the question,

Mr. Wyndham. Mr. *Wyndham* remarked, that his right honourable friend had plainly shewn that forbearance in the Managers was rather a reason, that if a libeller trespassed upon the ground of that forbearance, it ought to be considered as an aggravation of his offence, and not a mitigation; but that the fact was not, as the right honourable gentleman had stated it, for there had been no forbearance, there having been already three several prosecutions instituted on the subject of libels respecting the present trial. With regard to the liberty of the press, there was an evident distinction between its use and its abuse, and that the very best way to preserve its liberty was to punish its licentiousness. This had been agreed on by all who had ever reasoned upon the subject; and surely a better mode of defining this distinction could not be adopted than by drawing the line between the free discussion of general political and parliamentary topics, and the discussion of judicial proceedings. In respect to the latter, it had ever been considered, that *pendente lite* the subject should be confined to the Court in which it was trying, and on no account made a matter of discussion without doors. And the reason was obvious; in a judicial proceeding the Judges and the Court could not advert to extraneous matter; they must be governed by the strictness of evidence, and confined to that alone; whereas in regard to general political topics, much was at all times to be learnt from discussion without doors, and therefore the free discussion of such topics among the public at large was highly useful. This had been the case in regard to the tobacco business in particular, which the right honourable gentleman opposite to him (Mr. Dundas) had then mentioned, and it was the duty of that right honourable gentleman to have attended to the agitation of that business out of the House, as information of much importance was by such means to have been obtained upon the subject. Having observed that manifest indeed was the distinction

tinction between the unfettered discussion of political topics, and the great necessity of holding judicial proceedings sacred, Mr. Wyndham added, that he was actuated by no motive of vindictive feelings or personal resentment. It could not be worth a moment's consideration to him as a member of the Committee of Managers, nor indeed to any other Member, whether the honourable gentleman, the avowed author of the Letter complained of, was reprimanded at the bar or in his place; but the natural conclusion would be, that those who were for the milder censure, if they had dared to face the shame that such a proceeding would have drawn down on them, would have resisted any punishment of the author of the libel on the House and the Managers; but that the force of the proceeding, when once stated to the House, had compelled them to suffer some censure to be passed on the author, and that nevertheless they were determined to skreen him from justice as much as possible. This was clearly their motive, or they never would stand between him and the mild measure which had been proposed; for such, in his opinion it was, since the magnitude of the offence would, in his mind, have fully justified expulsion, and expulsion for such a crime (Mr. Wyndham contended) would have been the punishment adopted by their ancestors, had the offence been committed in their days. Mr. Wyndham farther remarked on the enormity of the libel, the aggravation of the offence in consequence of the author's being a Member of that House, and the necessity of the House's manifesting that they meant to support the Managers, unless they had real grounds to complain of their conduct, and in that case the complaint ought to be made formally to the House, and the grounds of it stated. Major Scott, it had been said, was entitled to be considered as the friend of Mr. Hastings, and not as his agent; this the House had yet to learn; but if it was so, he had still acted unwarrantably, because a friend might warmly defend the cause of him for whom he professed a friendship; but he was not entitled to abandon his defence, and become an accuser and an assailant of his prosecutors.

Mr. Chancellor *Pitt* remarked, that the right honourable gentleman who spoke last, had thought proper to confound the forbearance of that House, and to set up an argument which had not been used, in order to have the satisfaction of surmounting it. He had never stated (the Chancellor said) that the Managers having long forborne to take notice of any libel upon them, had thereby enticed the author of the paper complained of, to libel them again: what he had argued upon was, that the House had for years notoriously relaxed in their strict adherence to its privileges, and having suffered numberless libels upon its proceedings to pass unnoticed, Mr. Pitt.

tited, might have induced the author of the paper complained of, to imagine that he might, through the same channel, arraign the accusers of Mr. Hastings, and save him from the effect of a speech which had been stated in the newspaper. There was a clear distinction between the two cases, and that distinction the right honourable gentleman had confounded and lost sight of. With a peculiar degree of ingenuity also, had the right honourable gentleman contended, that in the case of the Tobacco business, when his right honourable friend (Mr. Dundas) had stated that certain resolutions had been agreed to and published by the Tobacco and Snuff manufacturers, and that one of those resolutions was a personal libel upon him, that much might have been learnt from the discussion without doors, and that it was his right honourable friend's duty to have attended to what he had mentioned. This was a curious circumstance, as the resolutions to which his right honourable friend had alluded, took place after the question of the repeal was decided, and not before it. The right honourable gentleman had adverted to the difference between the discussion of general political topics, and the discussion of judicial proceedings. In the latter case the right honourable gentleman had contended, that no remark on the matter in issue, or the conduct of the trial, ought to go out of the Court itself. Granted—upon certain general principles, that nothing touching the proceeding ought to be printed or discussed out of Court, either one way or the other; but would the right honourable gentleman venture to maintain, that if the liberties were taken repeatedly with the character of the party accused during the trial, and the matter of charge against him aggravated without doors, in conversation and in newspapers; that an honourable gentleman, who, (whether the friend or the agent of the party charged, had not, in his opinion, been very liberally treated in the course of the debate) was in the habit of asserting his innocence, (and every man was presumed innocent till he was legally pronounced guilty) might not be allowed to be reasonably grounded in his expectation, that it would not be deemed no offence in him to answer in his friend's defence, through the same sort of medium which was used as the vehicle of his abuse? The right honourable gentleman had taken the liberty to assume as a fact what he had no right to assume, because it was utterly impossible for him to know whether the fact were founded or not. He had taken the liberty to assume, that those who were willing to vote for the milder punishment, would have stood between Major Scott and any censure, if the case had not been so very strong, that they could not with any colour of decency attempt it. This was a very extraordinary assumption; and

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totally unfounded as to himſelf. The right honourable gentleman had gone ſtill farther, and declared it was evident that in voting for the milder cenſure, thoſe who took that line meant to ſkreen Major Scott from juſtice. He would not (Mr. Chancellor Pitt ſaid) adopt any mode of reaſoning ſo uncandid; but it would be equally fair, and equally liberal in him to infer that the right honourable gentleman's preſſing for the more ſevere cenſure originated in motives of ſpleen and cruelty. He was rather ſurpriſed at the ſort of temper with which the right honourable gentleman had delivered his ſentiments on an occaſion, which, above all others, ſeemed to call for moderation and coolneſs.

Mr. *Wyndham* anſwered, that the right honourable gentleman had obſerved upon his ſpeech with ſome degree of triumph; but the triumph he could eaſily bear, ſince it was a triumph over the right honourable gentleman's miſrepreſentation of what he had ſaid, and not over his argument, ſuch as it really was. He could not be poſitive as to his words, but he could to his meaning; and ſure he was, that he had never meant to obſerve, that the honourable gentleman had treſpaſſed on the forbearance of the Managers, and then made an argument of excuſe of himſelf, for an additional libel out of that forbearance; although if he had ſaid ſo, he conceived that he ſhould not have argued abſurdly. In like manner he had not affirmed that it was the duty of the right honourable gentleman (Mr. Dundas) to have attended to the reſolutions of the tobacco manufacturers, as he might have learnt ſomething from them. It was impoſſible that he could have ſaid ſo, ſince the reſolutions paſſed ſubſequent to the deciſion of the queſtion. What he had ſaid, was, that from the diſcuſſion of the topic of the tobacco manufacturers caſe without doors, much was to have been learnt. Mr. Wyndham.

Mr. *Fox* declared, that the principal reaſons which had induced him to riſe as ſoon as the right honourable gentleman ſat down, had ceaſed, in conſequence of the very able reply of his right honourable friend; who, though he had ſtrictly confined himſelf to explanation, had contrived to give a complete refutation of the arguments of the right honourable gentleman, who had complained of his right honourable friend's want of temper, although he had perceived nothing like an indication of paſſion, or any ſort of departure from that characteriſtic temper which peculiarly diſtinguiſhed his right honourable friend, the being able to argue with more ſedateneſs, and in a cooler and cloſer manner, than perhaps any other gentleman in that Houſe. Perhaps the right honourable gentleman had felt ſore from not having been able to find an anſwer to what had fallen with ſo much ability from his right honourable friend. Be that as it might, the Mr. Fox.

right honourable gentleman certainly had not been able to refute any one of his right honourable friend's positions, and as the right honourable gentleman could not meet his right honourable friend's distinction between the use of free discussion in cases of a general political nature and the necessary sacredness of every thing relative to judicial proceedings, which his right honourable friend had so clearly laid down, and which had so obviously made so strong an impression on the House, that the right honourable gentleman had endeavoured to elude it, by a general disquisition on the proper rule in regard to the conduct to be preserved respecting a trial on a criminal prosecution. The calling Major Scott the friend of Mr. Hastings, was a prostitution of the name of friendship for the sake of serving a temporary purpose. No man valued the virtue of friendship more than he did, and possibly an agent might feel a friendship for his employer, but the friendship alledged in mitigation of a libel, made the libel worse; for could it be an excuse to him, that an agent came to the House and said, in mitigation, that he had a friendship for his employer? With respect to the motion, he declared, that if the amendment had been "that Major Scott be committed," and they on his side had been called upon to shew a precedent of a case of equal enormity, in which a Member had not been committed, he believed it would have scarcely proved possible for them to have found one. As to being reprimanded at the bar, there was a famous precedent in the year 1660, when Mr. Lenthall had been reprimanded at the bar for holding a political opinion, which he (Mr. Fox) had ever considered as false and diabolical, "that those who had first taken up arms against Charles the "First, were as blameable as those who had been immedi-"ately concerned in his death." That opinion Mr. Lenthall had broached on his legs in the House, where the freedom of debate and its being the duty of every Member to state his opinion on any subject under discussion, one should have imagined, might have sanctioned the delivery of it, and yet Mr. Lenthall was reprimanded at the bar of their House. How much more then, ought Major Scott to be reprimanded at the bar, for one of the most deliberate, indecent and atrocious libels on the House, and the Managers, and this inserted in a common newspaper, that ever was published? There were, but three species of punishment in cases of breach of privilege within the option of the House, reprimand, commitment, and expulsion. Of the first, which was the most mild and lenient, there were two sorts, the reprimand of a Member at the bar, and the reprimand of a Member in his place. Was it not fair to argue that if the mildest of the two were insisted on, in a flagrant and atrocious case, those

who

who pressed for it, would have prevented any punishment, if they decently could have done so, and that they were desirous of standing between the criminal and justice? Mr. Fox agreed with his right honourable friend (Mr. Wyndham) that the offence merited expulsion.

The *Master of the Rolls* said, he could not after what had passed give a silent vote on the question; he declared, he should vote for the milder censure; not because he thought it an adequate punishment, for he thought it extremely light, but meaning that the honourable Member who had been the subject of debate, and was to be the object of the censure, should feel that his punishment was a light one, not doubting but he would acknowledge that the House had dealt with him leniently, and would govern his future conduct accordingly. Though he felt in this manner with regard to the censure, he was far from meaning to justify the conduct of the honourable Member, which had undoubtedly been highly criminal, the letter in question being clearly a libel, and a breach of the privileges of the House. As the object, however, was to hold out a lesson for the future, and prevent a repetition of similar offences, rather than to do any thing degrading in its mode, and grating to the feelings of the honourable gentleman, that object would be sufficiently answered by adopting the gentlest mode of reprimanding him. The Master of the Rolls declared, that he was not one of those who held that the forbearance of the House in respect to other libels was any justification of the present libel; but he did think that if they had a little more watched over all the publications respecting the trial, the House would have done their duty better. A variety of circumstances considered, the honourable gentleman stood in a very particular predicament; and though he could not then say it, he doubted not but that when the reprimand was given him, the honourable gentleman would declare, that he had been misled by the numberless publications of the speeches of the Managers, and of other matters relative to the trial, which had been published in a manner highly reflecting on Mr. Hastings, and which had passed unnoticed and with impunity. He had himself seen a speech or two of the Managers printed in a newspaper with comments, and therefore it was not to be wondered at, while such practices were winked at, that the honourable Member should have conceived that it was warrantable for him to answer them, in order to defend Mr. Hastings from the impression that such publications might have made to his prejudice on the minds of the public. In choosing the mode of doing so, undoubtedly the honourable gentleman had acted exceedingly wrong, and extremely unbecoming a Member of that House; as he would learn from

Master of the Rolls.

the Speaker, that a Member of that House was to state any ground of complaint that he might have against the conduct of the Managers, in the House upon his leg, and not by resorting to a newspaper to publish a libel on proceedings carried on under the authority of the House.

Mr. Burke. Mr. *Burke* protested that he had neither directly nor indirectly lent his countenance to the publication of the Managers speeches; and he believed that he might safely take upon him to say as much on the part of the Managers in general. He had heard that such accounts of the speeches, and of what passed in the Hall, did appear from time to time in the newspapers; but he had not read them, he had merely referred occasionally to the short hand writer's notes, when he wanted to turn to any particular subject that had been discussed in the course of the trial. With regard to the speeches of the Managers having appeared in the newspapers with comments, it was obvious from whom such comments were most likely to come; and as to the newspapers having been open, if that could, in one view, be considered as a disadvantage to Mr. Hastings, it might in another be said that he had enjoyed his full advantage of the circumstance, since his connection with the press was notorious, and no one had suffered less than Mr. Hastings. During the first year both sides had preserved a becoming temperance, but next year libels had poured in as if a floodgate had been opened. In respect to the length of the trial, that was not to be imputed to the Managers, as a matter for which they were to blame; since they had, at the first outset of the trial, offered to decide immediately upon each charge before they proceeded to establish any other. This they had done expressly in the case of the Benares Charge, but it had been resisted by Mr. Hastings, who had desired that the Managers might go through with the whole before he made his defence, and that requisition the House of Lords had granted. This was a manifest advantage to Mr. Hastings, while at the time it clearly proved, that no person but Mr. Hastings himself was to blame or the delay.

Master of the Rolls. The *Master of the Rolls* declared, that he neither had imputed it to the right honourable gentleman, that he had countenanced any publication of the speeches of the Managers in the newspapers, nor had he entertained the least idea that either the right honourable gentleman, or any other of the Managers, had condescended to give it their sanction. He had merely stated, that such publications had started up; that the tendency of several of them had been extremely prejudicial to the character of Mr. Hastings pending his trial, and as they had passed with impunity, it

might

might be supposed that they had missed the honourable Member, who had published the libel now complained against.

Mr. *Wigley* begged leave to remind the right honourable gentleman (Mr. Burke) that he was by no means warranted in charging Mr. Hastings as the author of the libel in question, or in calling Major Scott his agent. The right honourable gentleman would please also to recollect, that although Mr. Hastings had been impeached by that House, the propriety of which measure he was far from meaning to call in question; and although Mr. Hastings was actually upon his trial, he had not yet been convicted, and it was the maxim of the law, that every man was to be considered as innocent till he was found, after a full and fair trial, guilty. He saw no reason, therefore, why any gentleman ought to be ashamed to call himself the friend of Mr. Hastings, or why any gentleman was therefore to be stigmatized as one of the gang, as the right honourable gentleman had been pleased to stile every gentleman who avowed himself to be the friend of Mr. Hastings. But, if there were any ground of censure in that circumstance (Mr. Wigley said) he was free from it, since though he had the honour of being known to Mr. Hastings, he could not be said to be in any particular habits of friendship with him. Mr. Wigley.

The question was then put, that the words "at the bar "of this House," stand part of the question, which was negatived. It was next put, that the words "in his place" be inserted, which was carried in the affirmative. The question was last put on the amended motion, which was also carried without a division.

Mr. Chancellor *Pitt*, to render the proceeding complete, moved "that John Scott, Esq. do attend in his place." Upon which the question was put and agreed to. Mr. Pitt.

The House adjourned.

Friday, 28th May.

The order of the day for the second reading of the Tontine Bill having been moved to be discharged,

Mr. *Sheridan* expressed his hopes that he might, fortunately, make some impression upon the right honourable gentleman (Mr Pitt) when he declared, that the more he considered the nature of the bill, the more he was convinced that the precedent would prove dangerous, and not to be reconciled to the great object of securing the original holders of shares in the Tontine, who meant to adhere to their shares. If gentlemen would turn their attention to it, he was convinced they would see that it ought to be rejected, and therefore, he trusted that the right honourable gentleman Mr. Sheridan.

man would not attempt to move that the Bill be committed before the ensuing Tuesday or Wednesday.

Mr. Pitt. Mr. Chancellor *Pitt* imagined that the honourable gentleman had not been present in the House, the preceding day, or he would have heard him state, that, as he conceived whatever objections there might be against the bill, they would go rather to the regulations it contained, and the application of the principle of the bill, than to the principle itself; he meant to move that it be committed the approaching Tuesday.

When the order of the day for the attendance of Major Scott in his place had been moved and read, Mr. Carew moved, that strangers be desired to withdraw previous to the proceeding on the order, out of a necessary regard to the dignity of the House, and the delicacy of the proceeding; the gallery was, therefore, cleared.

John Scott, Esquire, attending in his place (according to order) was reprimanded by Mr. Speaker, as the House had directed.

Mr. Speaker spoke to him in the following manner:

Mr. Scott,

The House have resolved that you, being the author of a Letter, which the House have declared to be a scandalous and libellous paper, reflecting on the honour and justice of this House, and on the conduct of the Managers appointed to manage the impeachment now depending against Warren Hastings, Esquire, are guilty of a violation of your duty as a Member of this House, and of a high breach of the privilege of this House.

On the nature and magnitude of your offence it is unnecessary for me to dwell: whatever has a tendency to depreciate the honour and justice of this House, particularly in the exercise of its inquisitorial functions, tends, in the same proportion, to weaken and degrade the energies and dignity of the British constitution.

The privileges of this House have a claim to the respect of every subject of this country; as a Member of this House, it is your duty, as it is a part of your trust, to support and to protect them. Had a sense of these obligations produced its due influence on your mind and conduct, you would have avoided the displeasure of the House, and I should have been spared the pain of declaring to you the result of it. The moderation of the House is not, however, less manifest on this occasion than their just sense of their own dignity, and of the importance of their own privileges. It is my duty, in addressing you, to be guided by the lenity which marks their proceedings; and, in the persuasion that the

the judgment of the Houſe will operate as an effectual admonition to yourſelf and to others, I forbear to ſay more than that the Houſe have directed, that I reprimand you for your ſaid offence:—and, in obedience to their commands, I do reprimand you accordingly.

Major *Scott* ſaid, that he could only repeat what he had twice declared before—that he had not the moſt diſtant idea of violating any privilege of the Houſe, which, in its wiſdom, it choſe to exerciſe; having ſeen its forbearance in ſo many inſtances: but, that he bowed with the utmoſt ſubmiſſion, as it was his duty to do to the reprimand, which the Houſe had ordered, and was very much concerned that, in the opinion of the Houſe, he had merited it; he added, that he ſhould, now, give notice of a motion that he intended to make on a point in which the character of the Houſe, and of the country, and his own honour were moſt materially concerned. He was proceeding to ſtate the nature of the motion, when — Major Scott.

Mr. Chancellor *Pitt* ſpoke to order, and remarked that no motion could be made until the preſent buſineſs was concluded. He then moved the thanks of the Houſe to the Speaker for his ſpeech, and that it ſhould be printed. — Mr. Pitt.

Ordered, *nemine contradicente*,

That what has been now ſaid by Mr. Speaker, upon reprimanding the ſaid John Scott, Eſquire, be printed in the Votes of this day.

Sir *Harry Hoghton* truſted that, upon proper recollection, the honourable gentleman (Major Scott) would, at leaſt, forbear to make any motion, or to give any notice of a motion on that day. After having experienced the lenity of the Houſe, he could not avoid expreſſing his ſurpriſe mixed with ſome degree of indignation, that the honourable gentleman ſhould, in the ſame moment, give notice of a motion, to recriminate upon thoſe who had brought the charge againſt him; and he could not but lament, that he had voted for ſo mild a cenſure. — Sir H. Hoghton.

Mr. Chancellor *Pitt* obſerved, that the Houſe had already decided upon the queſtion, and it was juſt as free to the honourable gentleman (Major Scott) to make what motion he thought proper as for any other Member in the Houſe. — Mr. Pitt.

Sir *Harry Hoghton* anſwered that he did not queſtion the right of the honourable gentleman, but the time which he had choſen for exerciſing that right. — Sir H. Hoghton.

Major *Scott* aſſured the honourable Baronet, that he had totally miſtaken the ſort of motion which he had intended to make. He was never ſo mean as to think of recrimination, nor would he, if the cenſure had been much ſtronger, or the gentlemen oppoſite to him were to write twenty — Major Scott.

times

times more than they had already written. As for the business, that was over, he thought no more of it than if it had never happened: Major Scott then declared, that his intended motion was of a very different nature, and of much more importance. He had been accused of not bringing certain facts forward in a regular parliamentary way. There were reasons why he thought that he was not the proper person to do so: he had, therefore, stated them with the hope that some other gentleman would take them up since his last speech; as they had been much the subject of conversation in the House and with the public. The honour of the House, the honour of the nation, and his own honour were concerned, therefore, in putting these facts intelligibly, and grounding a motion upon them, which he would do on the ensuing Wednesday.

Mr. Sheridan. Mr. *Sheridan* begged, as the honourable gentleman had stated his motion to be of great importance, to know the nature of it.

Major Scott. Major *Scott* answered that, he would shew most palpable and obvious contradictions, between the Articles of Impeachment now upon the Journals, and certain resolutions on the Journals, also, and then make a motion declaratory, that the two were directly contradictory to each other; when he hoped the House would follow the business up.

Mr. Fox. Mr. *Fox* moved,

"That an humble Address be presented to His Majesty
" for the date of the answer from the Court of Spain, refer-
" red to in His Majesty's message of the 5th instant, and
" also the date of the receipt of the said answer."

The question was put, and negatived.

The House adjourned.

Monday, 31st May.

No material debate occurred.

Tuesday, 1st June.

The order of the day having been read for the House to resolve itself into a committee on the Tontine Bill, and Mr. Hobart having taken his seat at the table, after the Chancellor of the Exchequer had moved some few amendments,

Sir Grey Cooper. Sir *Grey Cooper* begged leave to remind the right honourable gentleman that, on the first introduction of the bill, he had solicited discussion, and desired the House to consider it maturely; without meaning therefore to object against the bill, he rose merely to put a question or two to the right honourable gentleman, which appeared to him to be material. Was it on the application of the original subscribers to the Tontine, that the present measure had been proposed,

or

or at the instance of the holders of those shares already purchased? Did the right honourable gentleman know how many of the holders of shares of the Tontine would choose not to commute their interest from Tontine to Long Annuity? Because (Sir Grey said) much, in his opinion, depended on a knowlege of these facts; but, what staggered him most was, whether opening a bargain at the end of a year from the time of making it, would not establish a precedent that might occasion great inconveniencies in the raising of future loans. He recollected more than one instance of Government having, in the same session in which it had made a loan, opened the bargain and proposed other terms, and terms more favourable to the subscribers; but, then, he conceived, that the precedents in such instances were not equally strong, nor liable to so much abuse as the present. Sir Grey mentioned the Act of King William relative to a loan of a million, in the year 1692, which contained a condition in favour of the subscribers and empowered the subscription to be open to the year 1693. Having desired that a clause from the Act might be read, and contended, that as the condition was expressed in the Act, it made an essential difference between that case, and the case now under consideration; he further expressed his fears that the present Bill would tend to establish a dangerous precedent, and declared that it had too much machinery in the means of effecting its purpose to be easily intelligible. [The Chancellor of the Exchequer smiling at the expression] Sir Grey added that, perhaps the word machinery was not, properly speaking, an applicable term, but he meant, that the means of obtaining the object of the Bill suggested in its clauses, appeared to him to be rather more circuitous than necessary.

Mr. Chancellor *Pitt* answered, that it was impossible for him to tell how many of the holders of shares of the Tontine would wish to change the stock, or how many would prefer the keeping it, as the nomination day was not before the 5th of October; but one probable good effect of the present measure might be, that the Tontine would, in consequence, rise again in value, and thence the holders of shares might be induced to keep them. In fact, the original subscribers to the Tontine, and the holders of shares purchased since the experiment had been adopted by the Legislature, were equally entitled to relief, if relief could be afforded them with justice to all the parties, and without additional burthen to the public; but, the application upon which the Bill had been proposed came from the subscribers, who in the first instance took the Tontine, and who from the turn which things had taken, must be involved in ruinous consequences, if the candour and consideration of the House Mr. Pitt.

were not extended in their behalf. With regard to the complaint of the honourable Baronet, that the present Bill might form a bad precedent, he must repeat (what he had said, on a former day) that he should not be afraid of any precedent, where that House could afford relief upon the principle of dealing out equal justice to all concerned, maintaining the good faith of the Legislature, and doing nothing to the disadvantage of the public; but, it was clear, that such a measure as the present never could form a precedent, because from the nature and circumstances of the case, such another instance could not again occur. The honourable Baronet had mentioned that there had been instances of altering the terms of a loan in favour of the subscribers, in the course of the same session, but that he thought those instances not equally strong. The Chancellor of the Exchequer begged leave to differ in opinion, as those instances appeared to him to be still stronger, because, when better terms were given to the subscribers to a loan than were the conditions of the original bargain, so much, as the difference amounted to, was taken out of the pockets of the public and handed to the subscribers; whereas, in the present instance of giving the holders of shares in the Tontine an option of changing the stock to Long Annuity, the public would suffer no disadvantage whatever. He certainly did not mean to cavil at any term which the honourable Baronet chose to use, but he could not think that the means proposed by the Bill for securing to the original holders of the Tontine the same benefit which they would have been entitled to, had the whole Tontine been purchased, as originally proposed, justified the term machinery, because the mode which the Bill held out was, in his humble judgment, simple, and intelligible without being in the smallest degree circuitous.

Mr. Fox. Mr. *Fox* conceived that the holders of the shares of the Tontine must, by the present Bill, be put in a worse situation, than they would have stood in, had the original scheme been adhered to. They ought not only to be placed in an equally advantageous situation as before, but to think and be satisfied that they were thus circumstanced. Mr. Fox illustrated his meaning by putting the case, that those who had purchased shares might have intended to nominate themselves or their children, or nearest relations, merely with a view to make some provision for those whom they nominated, and not with a mere consideration of a good or a bad life, and, that, therefore, if their nomination was injudicious, they ought to have the chance of other nominations equally injudicious being made; whereas the Lords of the Treasury

would

would be governed by calculation merely in their nomination to the shares when any vacancies took place.

Mr. Chancellor *Pitt* admitted that the advantages which the holders of shares had a right to expect, when they purchased shares of the Tontine, ought to be secured to them; but he contended, that the grounds of the bargain were not varied by the present Bill. As a farther security to the holders of shares, he had no objection, in filling up the several classes, to be governed by the number of holders of shares of each who should at the proper time appear desirous of adhering to their shares. Mr. Pitt.

The Bill, at length, went through the Committee, and the report was ordered to be made.

The House adjourned.

Wednesday, 2d June.

The Marquis of *Graham* brought in the Bill to continue the Corn Act of this session, to the 28th of February next. Marq. of Graham.

Mr. *Harrison* expressed his fears, lest filling up the blank in the Bill for so late a date, might be attended with great inconvenience in respect to the export of barley. He stated the grounds on which he entertained this opinion, and suggested, that as the export of barley (if the harvest should, as it promised, prove productive), might turn out a great national object, early in the ensuing year, it would be adviseable to give the King in Council an authority to issue a proclamation for that purpose, as the nature and circumstances of the case might render expedient. Mr. Harrison.

The Marquis of *Graham* answered that when the Bill fell under the consideration of a Committee it would be the most proper time to agitate the matter just suggested by the honourable Member. He had not (the Marquis said) thought it right for him to propose giving the King in Council the power in question; but, if the honourable gentleman chose to move a clause to that effect, when the Bill should be before a Committee, he certainly would not object against its passing. Marq. of Graham.

The Bill was read a first and second time and committed for the morrow.

The report of the Committee on the Tontine Bill having been brought up by Mr. Hobart, the amendments were read a first and second time, and several new amendments proposed.

Mr. Chancellor *Pitt* observed that during the investigation of the Bill several suggestions had been made by gentlemen, on different sides of the House, which, on their first mention, had appeared to him well worth attention, and, on the most deliberate consideration, which he had been able Mr. Pitt.

to give them, he found them so capable of being rendered practicable and useful in support of the principle, which they all wished to enforce: the securing to the first contributors to the Tontine, and such as meant to hold their shares and nominate to them, as good a situation as they could at any time reasonably have expected, that he had formed several of them into clauses, which, as far as his view of the subject, upon the most mature reflection upon it, was able to reach, would effect the purpose in question. The Chancellor of the Exchequer then produced several clauses, one after another, explaining the different points of objection upon which each operation of the several clauses respectively bore, and deducing from the different arguments which he used, an inference, that they would remove all reasonable objection.

Mr. Chancellor Pitt's new clauses gave rise to another discussion, in which Mr. Fox, Mr. Hussey, and Mr. Sheridan took part, and to whom the Chancellor of the Exchequer gave a distinct reply. These three gentlemen all agreed that the Chancellor deserved great credit for the pains he had evidently taken to remove objections to the Bill, but contended, that, although the new clauses brought the situation of the original contributors to the Tontine, and those who had subscribed, and might chuse to adhere to their shares, nearer to the point at which it ought to be placed, yet that it did not quite cure the objection; that opening the bargain at all was putting the original contributors and holders of shares in a different and rather a worse situation than they had reason to expect, when they bought their interests in the Tontine.

Mr. Ryder. Mr. *Ryder* proposed that the nominees who were to be chosen by the Lords of the Treasury, as the holders of shares on the behalf of the public, should have their names written down, and after having been put into a box, be decided by ballot.

This proposition was adoped.

Mr. Sheridan. Mr. *Sheridan* persisted in his idea, that if the situation of the original contributors to the Tontine and holders of shares were changed at all, no matter whether from good or worse, it was an insurmountable objection; and that, before the House adopted the principle of the Bill, they ought to be assured that each individual, interested as he had described, gave his assent to the conditions which the Bill tended to authorize and enforce. Mr. Sheridan proposed that the names of the subscribers who should, at the period of nomination, be found desirous of adhering to their shares, should be taken to fill up the vacancies in the several classes.

Mr.

Mr. Chancellor *Pitt* contended that the honourable gentleman's propofition would, on the very grounds on which they had been fo long arguing, be liable to the greateft objection of any, as, in that cafe, the original contributors to the tontine, and the holders of fhares, muft be deprived of the chance of running againft the lives of others promifcuoufly nominated, and be forced to run againft themfelves. Mr. Pitt.

At length, the feveral new claufes and amendments were agreed to, and the bill, with the amendments, ordered to be engroffed, and read a third time.

Major *Scott* now rofe, and remarked, that in confequence of what had paffed a few days ago, he had given notice of an intention to bring forward to the Houfe, in the form of a motion, certain contradictions of a very extraordinary nature, which appeared upon the journals of the Houfe, between fome of the articles of impeachment, and the refolutions that the Houfe had voted, for four years fucceffively, and which he had often mentioned. He had now the journals upon the table, with the paffages marked to which he meant to allude, as the ground of the motion; but after fo long and fatiguing a day, he could not think of trefpaffing upon the Houfe, and in this advanced ftage of the feffion, he did not fee how he could give a frefh notice, unlefs it was the wifh of any gentleman in the Houfe to have the fubject brought forward. In that cafe, he was ready, for he was perfectly prepared now, or any other day; but if not called upon, he thought the matter of fuch confequence to the honour of the Houfe, that he pledged himfelf to bring it forward in a future feffion. Maj. Scott

The Houfe adjourned.

From *Wednefday*, 2*d*, to *Tuefday*, 8*th June*,

No material debate arofe.

Wednefday, 9*th June*.

The Houfe was moved, "That the proceedings of the "10th of Auguft laft, relating to a petition of the Weft- "minfter electors, might be read," and the fame being accordingly read,

Mr. *Fox* defired to be informed in what manner the petition from the electors of Weftminfter, prefented by Lord John Townfhend, in Auguft laft, had been difpofed of? The petition had been ordered to be taken into confideration in the October following; the Houfe, however, having been prorogued over that time, the confideration could not confequently be entered upon. Mr. Fox confidered it neceffary that fomething fhould be done upon the fubject. Mr. Fox.

Mr.

Mr. Grenville
Mr. Secretary *Grenville* thought the House incompetent to take up the consideration of the petition alluded to, except by the presentation of a new petition, the regular and usual time for the consideration of it having passed over.

Mr. Fox.
Mr. *Fox* hoped to be enabled on the morrow to present a new petition.

The Comptroller of the Household was, upon motion, directed to go to the Lords, and desire a free conference on the subject matter of the last conference.

The House adjourned.

Thursday, 10th June.

A petition from the electors of Westminster was brought up and read.

Lord Robert Spencer moved, "That the act of the 28th "Geo. 3, cap. 25, sec. 28, might be read;" and the same being read,

It was moved, "That the said petition, (that presented "by Lord John Townshend in the session of 1789) be taken "into consideration on the 27th of June instant."

Sir Francis Molyneux, Gentleman Usher of the Black Rod, having waited upon the House to signify His Majesty's commands for their attendance, accompanied the Speaker and Members to the bar of the Lords: immediately after which, His Majesty was pleased to make a most gracious speech from the throne to both Houses of Parliament, as follows:

"My Lords, and Gentlemen,

"The necessary public business being now concluded, I "think it right to put an end to this session of Parliament.

"I have not hitherto received the answer of the Court of "Spain to the representation which I have directed to be "made at that Court, in support of the dignity of my crown, "and of the interests of my people. I continue to entertain "the strongest desire for the maintenance of peace on just "and honourable grounds; but, under the present circum-"stances, I feel it indispensably necessary to proceed with "expedition and vigor in those preparations, the objects of "which have already received your unanimous concur-"rence.

"The assurances and conduct of my allies, on this inte-"resting occasion, have manifested in the most satisfactory "manner, their determination to fulfil the engagements of "the existing treaties; and I trust, that our mutual good "understanding and concert will be productive of the hap-"piest effects in the present conjuncture of affairs in Europe.

"Gentlemen

" Gentlemen of the House of Commons,

" I return you my particular thanks for the readiness with " which you granted the supplies for the current service, and " for your unanimity and dispatch in enabling me to take " those measures which the present crisis has rendered neces- " sary.

" My Lords, and Gentlemen,

" As I think it may be of material convenience that the " election of a new Parliament should take place without de- " lay, it is my intention forthwith to give directions for " dissolving the present, and for calling a new Parliament. " But, in signifying to you this intention, I cannot omit to " assure you of the deep and grateful sense which I must ever " entertain of that affectionate and unshaken loyalty, that " uniform and zealous regard for the true principles of our " invaluable constitution, and that unremitting attention to " the happiness and prosperity of my people, which have in- " variably directed all your proceedings.

" The rapid increase of our manufactures, commerce, and " navigation, the additional protection and security afforded " to the distant possessions of the empire, the provisions for " the good government of India, the improvement of the " public revenue, and the establishment of a permanent sys- " tem for the gradual reduction of the national debt, have " furnished the best proofs of your resolution in encounter- " ing the difficulties with which you had to contend, and of " your steadiness and perseverance in those measures which " were best adapted to promote the essential and lasting in- " terests of my dominions.

" The loyalty and public spirit, the industry and enter- " prize of my subjects, have seconded your exertions. On " their sense of the advantages which they at present expe- " rience, as well as on their uniform and affectionate attach- " ment to my person and government, I rely for a continu- " ance of that harmony and confidence, the happy effects of " which have so manifestly appeared during the present Par- " liament, and which must at all times afford the surest " means of meeting the exigencies of war, or of cultivating " with increasing benefit the blessings of peace."

And afterwards, the Lord Chancellor, by His Majesty's command, said,

" My Lords, and Gentlemen,

" It is His Majesty's Royal will and pleasure, that this " Parliament be prorogued to Tuesday, the 3d day of Au-

" gust

"gust next, to be then here holden; and this Parliament is "accordingly prorogued to Tuesday, the 3d day of August "next."

On Saturday, the 12th of June, the Parliament was dissolved by proclamation; and the Lord High Chancellor of Great Britain was empowered to issue out writs for calling a new Parliament, which writs are to be returnable on Tuesday, the 10th of August ensuing.

END OF THE TWENTY-SEVENTH VOLUME.

The following Papers were laid upon the Table of the House of Commons.

Navy Office, 30th January, 1790.

An Estimate of the Debt of His Majesty's Navy, on the Heads hereafter mentioned, as it stood on the 31st December, 1789.

HEADS of the NAVAL ESTIMATES.	Particulars. £.	s.	d.	Total. £.	s.	d.
Wear and Tear, Ordinary, extra Repairs, and Transports.						
Due to pay off and discharge all the bills registered on the course of the Navy for stores, freight of transports, &c. supplied for the service thereof	1287550	15	7			
For freight of transports and tenders, and for stores delivered into his Majesty's several yards, &c. for which no bills were made out on the aforesaid 31st December, 1789, as also to several bills of exchange	67004	18	1			
To his Majesty's several yards, and rope yards, for the ordinary and extraordinary	223451	0	0			
For half pay to sea officers, according to an establishment made by his late Majesty in council on that behalf	112405	3	0			
				1690411	16	8
SEAMEN's WAGES.						
Due to pay the men unpaid on books of ships paid off	496624	8	5			
To ships in sea pay on the aforesaid 31st December 1789	310785	15	8			
To discharge and pay off all bills entered in course for slop cloaths, bedding for seamen, surgeon's necessaries, &c. — —	46945	17	4			
				854356	1	5

VICTUALLING DEBT, as per Eſtimate received from thoſe Commiſſioners, viz.

Due for ſhort allowance to the companies of his Majeſty's ſhips in pay and which have been paid off — — —	31551	13	2			
For paying off all bills entered on their courſe — —	496961	13	11			
For proviſions delivered, and ſervices performed, for which no bills were made out on the aforeſaid 31ſt December, 1789 —	11535	4	10			
For neceſſary and extra neceſſary money bills of exchange, and contingencies — — — —	2745	2	3			
To the officers, workmen, and labourers, employed at the ſeveral ports	8780	0	0			
				551573	14	2

SICK and HURT, the DEBT of that OFFICE,

As per Eſtimate received from thoſe Commiſſioners, viz.

Due for quarters and cure of ſick and hurt ſeamen, ſet on ſhore from his Majeſty's ſhips at the ſeveral ports, and contingencies relating to that office —				36695	5	8
The total amounts to three millions, one hundred and thirty-three thouſand, and thirty-ſix pounds, ſeventeen ſhillings and eleven pence — —				3133036	17	11
From thence deducting the money in the Treaſurer's hands } as on the other ſide	306588	17	6¼			
And alſo the money that remained to come in of the ſupplies } as on the other ſide	456008	19	5½			
				762597	16	11¾
The debt will then be two millions three hundred and ſeventy thouſand four hundred and thirty-nine pounds and eleven pence one farthing — —				2370439	0	11¼

N. B. In this debt is included, for charge of transports and army victuallers	31170	9	1
And it appears by an account received from the Commissioners of the Victualling, (which is also included in this debt) that the expences of victuals supplied the soldiers and convicts, between the 1st January and 31st December, 1789, is — — — —	10008	9	1
	41178	18	2

CHA. MIDDLETON.
J. HENSLOW.
GEO. MARSH.
GEO. ROGERS.

W. PALMER.
W. BELLINGHAM.
E. LE CRAS.
S. WALLIS.

Memorandum.—There was remaining in the hands of the late and present Treasurers of the Navy, on the 31ft of December, 1789, in Money, as under mentioned, and may be reckoned towards fatisfying the aforefaid Debt of the Navy.

In what Treafurer's Hands.	In MONEY.	On the Heads of									Total.		
		Wear and Tear, Ordinary, and Tranfports.			Seamen's Wages.			Victuals.					
		£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Right Honourable Welbore Ellis.	In Money — —	5373	2	1	2496	0	11¾	664	4	11½			
	Ditto towards the debt for fick and hurt feamen —	—	0	0	194	10	10	—	0	0	8727	18	10¼
Right Honourable Ifaac Barré.	In money —— —	3289	9	10	3809	19	6¼	221	4	7½			
	Ditto towards the debt for fick and hurt feamen — —	—	0	0	1	7	9	—	0	0	7331	11	8¾
Right Hon. Henry Dundas, (1ft Treafurerfhip.)	In money — —	3602	11	11¼	5225	10	7¾	508	12	7½			
	Ditto towards the debt for fick and hurt feamen —— —	—	0	0	108	7	11	—	0	0	9445	3	2

		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Right Hon. Charles Townshend.	In money — —	3145	2	6½	7413	8	6	1268	7	9¾			
	Ditto towards the debt for sick and hurt seamen —	—	0	0	64	5	8	—	0	0	11891	4	6¼
Right Hon. Henry Dundas. (2d Treasurership) Old account.	In money — —	4854	6	0	5485	8	11	998	12	7			
	Ditto towards the debt for sick and hurt seamen —	—	0	0	90	11	10	—	0	0	11428	19	4
Ditto, new account.	In money — —	142354	2	6	104740	3	8¾	6239	3	6¾			
	Ditto towards the debt for sick and hurt seamen —	—	0	0	4424	10	1½	—	0	0	257763	19	11
		162618	14	11¼	134069	16	5	9900	6	2	306588	17	6¼

There remained, on the 31st December, 1789, to come in from the Exchequer of the Supplies — — — — £. 456008 19 5½

Abstract of the Ordinary Estimate of the Navy for the year 1790.

No.					£.	s.	d.
1	To the right honourable the lords Commissioners for executing the office of lord high Admiral of Great Britain, &c. Commissioners of the navy with their secretaries, officers, clerks, instruments and contingencies relating thereto — —				56551	4	1
2	Superannuated sea officers — — —	28500	3	4			
3	Pensions and other allowances — — —	10717	6	11			
					39217	10	3
4	yards: Chatham — — —	4200	5	0			
5	yards: Deptford — — —	3585	18	0			
6	yards: Wollwich — — —	4057	16	0			
7	yards: Portsmouth — — —	6126	10	0			
8	yards: Sheerness — — —	2434	8	6			
9	yards: Plymouth — — —	4946	7	8			
					25351	5	2
10	Muster master, and other officers of the out ports — —				4508	6	11
11	Wages to ships and vessels in ordinary — —				76539	0	7
12	Victuals to officers and men serving therein — —				31700	5	0
13	Charge of harbour moorings and of harbour rigging — —				55840	0	0
14	Ordinary repairs of his Majesty's ships in harbour, and of the docks, wharfs, buildings, &c.				205928	0	0
15	Half pay to sea and marine officers — —				169000	0	0
16	Bounty to chaplains — —				1231	17	6
17	Ordinary charge of the victualling establishment —				31259	1	5
17	Ordinary charge of the sick and hurt seamen — —				6150	7	0
	Total of the ordinary estimate of His Majesty's navy for the year 1790 —				703276	17	11

C. Middleton, J. Henslow, G. Marsh,
G. Rogers, W. Palmer, W. Bellingham.

Navy Office, 28th January, 1790.

An Eſtimate of the Charge of what may be neceſſary for the Buildings, Re-buildings, and Repairs of Ships of War, in His Majeſty's and the Merchants' Yards, and other extra Works, over and above what are propoſed to be done upon the Heads of Wear and Tear, and Ordinary, for the Year 1790.

Place where.	Guns	Ships Names.	Building, or Nature of their Repair.	Time when may be Taken in Hand.	Time when may be Completed.	Charge of their Hulls, Maſts, and Yards.	Charge of their Rigging and Stores.	Total.
						£.	£.	£.
Deptford.	98	Windſor Caſtle	Building	In hand	Complete for lau.	2700	—	2700
	74	Brunſwick	Building	In hand	July 1790	11000	—	11000
		Mars	Building	In hand	Uncertain	10000	—	10000
	Sloop	Hound	Building	In hand	February 1790	2000	—	2000
		A new ſhip propoſed to be ſet up		—	—	1000	—	1000
Woolwich.	38	Thetis	Betw. middling and large repair	Auguſt 1790	October 1790	6900	710	7610
	32	Thames	Large repair	In hand	January 1790	2500	—	2500
		Iris	Small repair	In hand	April 1790	2500	—	2500
	28	Brilliant	Middling repair	In hand	September 1790	4550	—	4550
	98	Boyne	Building	In hand	June 1790	11400	810	12210
	74	Monotaur	Building	In hand	Uncertain	1000	640	1640
		Centaur	Order'd to be built	—	Uncertain	5000	—	5000
	Sloop	Martin	Building	In hand	November 1790	3260	2350	5610

Woolwich.	50	Romney	Middling repair	April 1790	Uncertain	11000	3620	14620
	38	Latona	Between middling and large repair	In hand	April 1790	4420	820	5240
	32	Niger	Middling repair	In hand	April 1790	2330	460	2790
		Ceres	Large repair	April 1790	Uncertain	5970	20	5990
	Bomb	Terror	For completing her furniture and ftores		—	--	170	170
Chatham.	110	Ville de Paris	Building	In hand	Uncertain	9000	—	9000
	100	Queen Charlotte	Building	In hand	April 1790	2260	—	2260
	Sloop	Rattlefnake	Building	In hand	December 1790	3300	2170	5470
	74	Conqueror	Large repair	February 1790	April 1791	16000	—	16000
		Irrefiftible	Small repair	In hand	February 1790	3800	—	3800
		Monarch	Large repair	In hand	January 1790	4230	330	4560
		Suffolk	Large repair	January 1790	March 1791	1800	—	1800
		Invincible	Large repair	In hand	June 1790	18000	—	18000
		Hero	Large repair	June 1790	September 1791	6330	—	6330
	50	Affiftance	Small repair	In hand	February 1790	4370	—	4370
	74	Robuft	For completing her mafts, yards, furniture, and ftores			210	380	590
		Alexander	For completing her fails	—	—	—	920	920
	74	Vengeance	For completing her fails	—	—	—	1070	1070
		Excellent	For completing her fails	—	—	—	280	280
		Defence	For completing her fails	—	—	—	300	300
		Bellerophon	For completing her fails	—	—	—	290	290
		Alfred	For completing her fails	—	—	—	280	280
		Marlborough	For completing her fails	—	—	—	290	290
		Defiance	For completing her fails	—	—	—	930	930
		Majeftic	For completing her fails	—	—	—	420	420
		Terrible	For completing her fails	—	—	—	400	400

Sheerness.		Audacious	For completing her sails	—	—	—	200	200
	64	Dictator	For completing her sails	—	—	—	630	630
	24	Pandora	For completing her masts and yards	—	—	150	—	150
	50	Leopard	Building	In hand	April 1790	2140	30	2170
	—	A new ship proposed to be set up		—	—	2000	—	2000
Portsmouth.	36	L'Aigle	Middling repair	In hand	May 1790	7980	100	8080
	32	Cleopatra	Between middling and great repair	March 1790	July 1790	5980	30	6010
	Sloop	Shark	Betw. small and middling repair	In hand	February 1790	1260	—	1260
		King's Fisher	Middling repair	June 1790	October 1790	2480	920	3400
	98	Prince of Wales	Building	In hand	Uncertain	3000	—	3000
		Dreadnought	Building	In hand	Uncertain	6000	—	6000
	Sloop	Fury	Building	In hand	February 1790	1230	—	1230
	100	Britannia	Between middling and great repair	In hand	October 1790	19500	—	19500
	98	Queen	Great repair	In hand	December 1790	18000	—	18000
	74	Triumph	Middling repair	August 1790	April 1791	10500	2190	12690
		Montagu	Small repair	January 1790	July 1790	11540	—	11540
	64	St. Alban's	Betw. small and middling repair	November 1790	April 1791	8200	2020	10220
	38	Phæton	Middling repair	July 1790	December 1790	7650	1900	9550
		Minerva	Between middling and great repair	In hand	February 1790	2890	—	2890
	36	Thalia	Small repair	January 1790	July 1790	2920	—	3920
	Sloop	Swan	Great repair	In hand	February 1790	820	990	1810
	38	Arethusa	For completing her sails	—	—	—	90	90

Plymouth.	80	Cæfar	Building	In hand	Uncertain	10000	—	10000
		Foudroyant	Building	In hand	Uncertain	10450	—	10450
	74	Egmont	Great repair	In hand	January 1790	1500	—	1500
		Fortitude	Very fmall repair	January 1790	May 1790	2220	—	2220
	64	Diadem	Small repair	January 1790	May 1790	7220	70	7290
		Sampfon	Small repair	June 1790	October 1790	7180	2830	10010
		Intrepid	Middling repair	February 1790	Uncertain	12430	2450	14880
	50	Europa	Small repair	January 1790	July 1790	8030	2630	10660
	32	Syren	Small repair	In hand	March 1790	3660	—	3660
		Druid	Small repair	April 1790	June 1790	3090	1740	4830
	Sloop	Helena	Middling repair	January 1790	April 1790	1630	530	2160
	98	Atlas	For completing her mafts, yards, furniture, and ftores			480	100	580
	74	Swiftfure	For completing her mafts and yards		- -	480	—	480
		Hannibal	For completing her mafts and yards		- -	720	—	720
	64	Magnanime	For completing her mafts and yards		- -	200	—	200
		Belliqueux	For completing her mafts and yards		- -	240	—	240
	44	Severn	For completing her mafts and yards		- -	100	—	100
	74	Powerful	For completing her fails	-	- - -	—	110	110
			Total for the Ships in the King's Yards		- —	357900	37220	395120

MERCHANT'S YARD.

Plymouth.	Cutter	New	Building	In hand	October 1790	2190	700	2890
			Grand Total for the Ships		— —	360090	37920	398010

On WORKS of the YARDS.

		£.
Woolwich.	To complete the walls of the outer maſt pond, and the returned wharf on the weſt ſide of the maſt houſe ſlip, the dwarf wall in front of the ſaid ſlip, and 210 feet of the wharf wall, north ſide the inner maſt pond -	17300
Chatham.	To complete the remaining part of the floor of the new laying-houſe - -	3300
	To complete the building of the new rope-houſe - - - - -	8000
	To building two maſt-houſes with a ſlip to join the new top-houſe - -	2190
Portſmouth.	To carry on the ſtone wharf and ſouth pier to the new dock propoſed - - -	6000
	To carry on the works on the north ſide of the reſervoir - - -	8000
	To 100 feet running of ſtone wharf in the boat houſe canal - - -	4000
	To 360 feet running of dwarf ſtone wharf to the maſt-houſe ſlip - - -	2470
	To building two ſtore houſes and cabins at the ſouth end of the officer's lodgings -	9000
	To complete the dam between the wharf at the landing hulk and north ſide of the ſouth dock - - - - -	1040
	Towards building a new boat ſtore-houſe on the new ground - - - -	
Plymouth.	To blowing and levelling the rock of White-Houſe Hill, and the maſt pond -	650
	To digging away the rock behind the new rigring houſe - - - -	200
	To digging the rock and rubble round the head of the new dock and north part of the yard - - -	500
	To completing the joiners and houſe carpenters ſhops and clock houſe - - -	5000
	To completing the laying of the maſt houſe ſlip with Purbeck pitchers - -	1620
	To joining and carrying on the wharfs that front the harbour on each ſide of the new dock - - - - -	6500
	To extending the preſent north jetty head	1210
	To building and completing a jetty head at the north ſide of the new dock - -	2000

	£.
To carrying on the east cross new store house	5000
To building a pitch house, store cabin, ocham house, &c. - - -	2000
To complete the new rigging house -	110
To digging away the rock at the north part of the yard, and clearing the ground for building the armourers and plumbers shops, engine house, &c. - - -	1000
To building a wall, digging and blowing away the rock, &c. between the east side of the mast pond and west rope house, for forming the road in front of the plank houses -	650
To completing the new team stables -	1200
Total -	92350
Grand total for the ships brought forward -	398010
Grand total -	490360

ABSTRACT.

For ships in his Majesty's yards	Hulls - -	3579[illegible]	
	Rigging and stores	37220	
			395120
For a ship in Merchant's yard	Hull -	2190	
	Rigging and stores	700	
			2890
Towards improvements in the yard	- -		92350
	Grand total - -		490360

Viz. The sum of four hundred and ninety thousand three hundred and sixty pounds

Cha. Middleton,	W. Bellingham,	Geo. Rogers,	Geo. Marsh,
J. Henslow,	Sam. Wallis,	W. Palmer,	E. Le Cras.

Expences

Expence of Services performed by the Office of Ordnance, purſuant to His Majeſty's orders and not provided for by Parliament.

				£.	s.	d.
On account of debt to 31ſt December, 1783.						
Paid debts incurred previous to 31ſt December, 1783, and which have been ſettled ſince that period - -				1575	4	3
On account of 1788.						
BERMUDA.						
Pay of an engineer, draughtſman, and civil officer, and for contingencies -	556	7	2			
BAHAMA ISLANDS.						
Paid on account of current ſervices and contingencies - - -	498	19	4			
ST. CHRISTOPHER.						
Paid on account of works, current ſervices, and contingencies - -	1831	3	6			
DOMINICA.						
Paid on account of works, current ſervice and contingencies - -	5156	2	3			
GRENADA.						
Paid on account of works, current ſervice, and contingencies - -	5826	8	3			
				13869	0	6
				15444	4	9
For the Navy.						
For the purchaſe of ſalt-petre, ordnance, and ſtores, and expences incurred in the ſeveral ports of Great Britain, and on foreign ſtations, on account of the fleet, beyond the allowance for ſea ſervice on the vote for 18000 ſeamen for 1788 - - - - -				23795	16	7
				39240	1	4

Eſtimate

Estimate of the Charge of the Office of Ordnance for the year 1790.

LAND SERVICE.

Ordinary.

	£.	s.	d.	£.	s.	d.
Salaries and rents to the master general, principal officers, clerks and attendants, employed at the Tower	15498	8	0			
And at the following places,						
Viz. Laboratory at Woolwich, and for proving powder - -	2076	5	0			
Inspector of artillery at ditto, and for proving guns - - - -	1377	12	6			
Superintendant of military machines at ditto - - -	310	5	0			
Hampton Court, and St. James's, Windsor, and Greenwich -	226	0	0			
Woolwich - - -	570	0	0			
Purfleet - - - - - -	541	5	0			
Gavesend and Tilbury - -	255	0	0			
Chatham - - - -	663	17	6			
Upnor Castle - - - - -	144	15	0			
Sheerness - - -	380	0	0			
Feversham - - - -	460	0	0			
Dover - - - - - -	120	0	0			
Portsmouth - - - - -	823	17	6			
Priddys hard - - - - -	243	17	6			
Plymouth - - - - -	653	17	6			
Keyham Point - - - - -	170	0	0			
Waltham Abbey - - - -	523	17	6			
Pendennis, Scilly Island, Chester Castle, and Liverpool, Berwick, Carlisle, Tinmouth Castle, and Clifford's Fort, Hull, and Yarmouth, and Landguard Fort -	430	0	0			
Guernsey - - - - -	448	2	6			
Jersey - - - -	448	2	6			
Isle of Man - - - -	166	0	0			
Rent for use of land and houses -	554	17	0			
	27086	0	0			
One half of which is charged to the sea service - - -				13543	0	

Pay

		£.	s.	d.
Pay of civil officers and artificers at	North Britain - -	554	10	0
	Gibraltar - -	1381	7	6
	Jamaica - -	200	15	0
	Antigua - -	584	0	0
	St. Chriſtopher - -	584	0	0
	Dominica - -	584	0	0
	Barbadoes - -	584	0	0
	St. Vincent - -	584	0	0
	Grenada - -	584	0	0
	Bahama Iſlands - -	219	0	0
	Quebec - -	861	15	0
	Halifax - - -	680	10	0
	New Brunſwick - -	629	12	6
	St. John's and Placentia in Newfoundland - - -	1058	10	0
Pay of maſter gunners at the ſeveral garriſons and batteries in Great Britain, and of the gunners at St. James's Park and the Tower of London, with their allowance for coals and candles -		3416	17	6
Charges incident to the Tower, and the ſeveral other forts, garriſons, and places under the ordnance in Great Britain, Guernſey, and Jerſey, in taking remains of ſtores, pay of labourers, books, paper, coals, candles, cartage, meſſuages, poſtage of letters, and other contingencies -		18000	0	0
Ordinary repairs of buildings, bridges, gates, platforms, barracks, ſtorehouſes, making new and repairing old carriages in the ſeveral ſmall forts, caſtles, garriſons and other places under the ordnance in Great Britain, Guernſey, and Jerſey		15000	0	0
Furniſhing beds, bedſteads, ſheets, &c. and repairing the ſame at the ſeveral barracks, forts, caſtles, and garriſons in Great Britain, Guernſey, and Jerſey - - - - - -		4379	4	7
Expence of ſtores and ammunition for garriſons, and ſmall ſtores for the common duty of regiments in Great Britain, Guernſey, and Jerſey -		6000	0	0
Cleaning and repairing ſmall arms in the Tower		2000	0	0
Pay of the corps of royal engineers - -		10402	10	0
Pay of the royal regiment of artillery conſiſting of 3730, men, officers, included	111069 10 0			
Pay of bombardiers and firſt gunners ſtill remaining on the war eſtabliſhment - -	1575 11 8			
		112645	1	8

Eſtabliſhment

	£.	s.	d.
Eſtabliſhment of the civil officers, profeſſors and maſters of the royal military academy at Woolwich - - - - - -	2327	15	0
Eſtabliſhment of draughtſmen in the Tower of London for ſervice in Great Britain and foreign garriſons - - - - -	2025	15	0
Pay of ſuperannuated and diſabled men, half pay of reduced officers, widows penſions, and allowances to officers for good ſervices, purſuant to his Majeſty's warrants - - -	20044	14	5
Sums to be paid at the Treaſury and at the Exchequer for fees on the ſum of £ 457,447 18 9 being the amount of this eſtimate - -	882	0	0
Ordinary -	219756	18	2

EXTRAORDINARIES.

NEWFOUNDLAND.	£.	s.	d.	£.	s.	d.
Repairs of fortifications, barracks, and quarters for officers, current ſervice, and contingencies -	4000	0	0			
For fuel for the troops - -	1500	0	0			
				5500	0	0
NOVA SCOTIA.						
For current ſervice and contingencies - - - -				4000	0	0
NEW BRUNSWICK.						
For current ſervice and contingencies - - - -				4000	0	0
QUEBEC.						
For current ſervice and contingencies	3000	0	0			
For a ſupply of ſtores - - -	2675	14	1			
				5675	14	1
BERMUDA.						
For current ſervice and contingencies - - -				600	0	0
BAHAMA ISLANDS.						
For current ſervice and contingencies - - -				2500	0	0

JAMAICA

	£.	s.	d.	£.	s.	d.
JAMAICA.						
For repairs, current ſervice, and contingencies - -	-		-	1000	0	0
ANTIGUA.						
For current ſervice and contingencies	-	-	-	1000	0	0
St. CHRISTOPHER.						
For current ſervice and contingencies in the ſtorekeeper's department -	1000	0	0			
For the fortifications at Brimſtone Hill - - - -	8000	0	0			
For current ſervice and contingencies in the artillery department -	1000	0	0			
				10000	0	0
DOMINICA.						
For current ſervice and contingencies in the ſtorekeeper's department -	1000	0	0			
For the fortifications at Prince Rupert's Bay - - -	8000	0	0			
For current ſervice and contingencies in the artillery department - -	1000	0	0			
				10000	0	0
BARBADOES.						
For current ſervice and contingencies in the ſtorekeeper's department -	1000	0	0			
For the fortifications near Bridge Town - - -	8000	0	0			
For current ſervice and contingencies in the artillery department -	1000	0	0			
				10000	0	0
St. VINCENT.						
For current ſervice and contingencies in the ſtorekeeper's department -	1000	0	0			
For the fortifications near the town	8000	0	0			
For current ſervice and contingencies in the artillery department -	1000	0	0			
				10000	0	0
GRENADA.						
For current ſervice and contingencies in the ſtorekeeper's department -	1000	0	0			
For the fortifications near George Town	8000	0	0			
For current ſervice and contingencies in the artillery department -	1000	0	0			
				10000	0	0

	£.	s.	d.	£.	s.	d.
GIBRALTAR.						
Pay of a company of Royal military artificers - - -	4492	10	10			
Towards the neceſſary repairs and improvements of the works -	14707	9	2			
For excavating the rock, and proceeding with the Souterrain batteries and their communications -	2000	0	0			
Blowing and breaking ſtone for lime, carriage of ſtone, coals, culm, lime, &c. attending the kiln, and making mortar - -	2000	0	0			
For the ordinary repairs of the barracks, officers' quarters, ſtorehouſes, and magazines - - -	3000	0	0			
For contingencies in the engineer's department - - -	2000	0	0			
For contingencies in the ſtorekeeper's department - - -	1800	0	0			
For a ſupply of ſtores - -	10000	0	0			
				40000	0	0
ISLE OF MAN.						
For repairs and current ſervice - - -				400	0	
JERSEY.						
For the purchaſe of lands for fortifying St. Hillier's Hill - -	1000	0	0			
In further part of the charge for ſtorehouſes and barracks - -	2000	0	0			
Pay of half a company of Royal military artificers - -	962	0	10			
				3962	0	10
GUERNSEY.						
Towards carrying on the fortifications at Fort George, and repairs at other places in the iſland - -	3000	0	0			
Pay of half a company of Royal military artificers - -	962	0	10			
				3962	0	10
SCOTLAND.						
For repairs of the ſeveral forts, caſtles, and barracks in Scotland, current ſervice, and contingencies - - -				6000	0	0

NORTH.

	£.	s.	d.	£.	s.	d.
NORTH EAST DISTRICT.						
For current service and contingencies	-		-	500	0	0
CINQUE PORTS.						
For current service and contingencies	-		-	2500	0	0
CHATHAM.						
For repairs of the lines and barracks at Chatham, Upnor Castle, Cockhamwood, and Hownefs, current service, and contingencies -	6500	0	0			
Towards the reveting Townshend's redoubt - - -	1000	0	0			
Pay of a company of Royal military artificers - - -	1924	1	8			
				9424	1	8
SHEERNESS.						
For repairs of the breakwaters, current service, and contingencies -	-		-	2000	0	0
GRAVESEND and TILBURY.						
For the repairs of the works -			-	2000	0	0
FEVERSHAM.						
For repairs, and for erecting watch-houses, magazines, ovens, and refining houses, for sulphur, platforms, and a house for fire engines, current service, and contingencies	-		-	5684	19	9
PORTSMOUTH.						
For repairs of old works and other buildings at Portsmouth and various places in the division -	4000	0	0			
In further part of the charge for completing the works round the Common - - - -	1500	0	0			
In further part of the charge for building an additional powder magazine at Tipner Point, in Portsmouth Harbour, for the use of the Navy - - -	2000	0				

	£.	s.	d.	£.	s.	d.
Pay of a Company of Royal military artificers - - -	1924	1	8			
				9424	1	8

GOSPORT.

For contingencies, repairs of barracks and the lines - -	1000	0	0			
In further part of the charge to continue the sea wall erected in front of Haslar Hospital to Fort Monckton, in order to prevent the sea from breaking into Haslar Lake, and for making the ground equally solid in all parts behind the said wall -	1000	0	0			
Pay of a company of Royal military artificers - - -	1924	1	8			
				3924	1	8

PLYMOUTH.

For repairs of the barracks, lines, and citidal at Plymouth, and for repairs at St. Nicholas Island, Dartmouth, Pendennis, and St. Mawes Castles, and at Scilly Island, current service, and contingencies -	7000	0	0			
Pay of a company of Royal military artificers - - -	1924	1	8			
				8924	1	8

WOOLWICH.

For contingencies and repairs of barracks and officers' quarters -	1000	0	0			
Pay of a company of Royal military artificers - - -	1924	1	8			
				2924	1	8

ROYAL LABORATORY.

Towards the extraordinary charge of labourers and artificers - -				2000	0	0

WALTHAM ABBEY.

For repairs of buildings and various utensils for carrying on the Royal manufactory of gunpowder, current service, and contingencies - - -				3045	15	5

SHIP-

	£.	s.	d.	£.	s.	d.
SHIPPING.						
For relieving the Royal regiment of artillery in foreign garrisons - - -				2500	0	0
REGIMENT of ARTILLERY.						
For contingencies - - -				6000	0	0
SALTPETRE.						
For the purchase of two hundred tons for land service from the East-India Company - - - -				9000	0	0
Extraordinaries - -				198450	19	3
Ordinary - - -				219756	18	2
Ordinary and Extraordinaries - -				418207	17	5
Unprovided: Debt to 31st Dec. 1783	1575	4	3			
Unprovided: 1788 land service -	13869	0	6			
	15444	4	9			
Unprovided: 1788 sea service -	23795	16	7			
				39240	1	4
				457447	18	9

Office of Ordnance,
29th Jan. 1790.

W. Howe,
G. Berkeley,
J. Aldridge.

G. Crawfurd,
T. Baillie.

Report

Report of the Committee of Engineers on the probable Expence of Fortifying the West Indies.

A computation of the probable expence which may attend fortifying the island of Grenada.

Total in sterling £ 18,663

For the island of Barbadoes.

Total in sterling £ 53,239

For the island of St. Vincents.

Total in sterling £ 24,537 10

For the island of Dominica.

Total in sterling £ 46,610

For the island of Antigua.

Total in sterling £ 41,542

For the island of St. Christopher's.

Total in sterling £ 25,490

Signed R. Morse, Lieut. Col. Royal Engineers.
A. D'Aubant, Lieut. Col. Royal Engineers.

Copy of a Letter from SIR W. GREEN to the DUKE of RICHMOND, relative to the West-India Islands.

My Lord, London, 12th January, 1788.

Upon examining the estimates of the committee, for Grenada of the 6th of December, for Barbadoes of the 11th of December, for St. Vincent's of the 15th of December, for Dominica of the 18th of December, for Antigua of the 21st of December, 1787, and for St. Christopher's of the 1st of January, 1788, I see no objection to those for Grenada, Dominica, Antigua, St. Christopher's and St. Vincent's: but in that for Barbadoes, I think there will be an augmentation required of £ 6,581.

I have stated my reasons for this difference, and my observations upon the reports of the committee, in my reports accompanying these estimates.

I have the honour to be,
with all possible respect,
my Lord Duke,
your Grace's
most obedient
humble servant,

Signed W. GREEN,
Chief Royal Engineer.

AUG. ROGERS, Secretary.
His Grace the Duke of RICHMOND, &c.
Master General of his Majesty's Ordnance.

An

An Account of the Total Produce of the Duties of Cuftoms, Excife, Stamps, and Incidents, refpectively, for one year ended the 5th day of January 1790; diftinguifhing (as far as poffible) in each Branch, the Produce on every feparate Article, the Duties on which have amounted to one thoufand pounds, or more, in the four quarters of the faid year, viz.

	£.	s.	d.
The total produce of the duties of cuftoms for one year, ended the 5th day of January 1790, as per accompt (A.) - -	3686994	6	2¾
Ditto of the duties of excife for one year, ended ditto (exclufive of £ 554962, produce of the annual malt duties) as per accompt (B.)	6551105	16	9
Ditto of the ftamp duties for one year, ended ditto, as per accompt (C.) - -	1214966	16	8
Ditto of incidents at the receipt of the Exchequer for one year, ended ditto, as per accompt (D.) - - -	2334038	1	10¼
	13787105	1	5¾

Memorandum.

In the fum of £. 2334038. 1s. 10¼d. ftated as the amount of incidents at the Exchequer, is included £. 347052 9s. 9½d. being the amount of impreft and other monies paid in there within the above period.

Prefented purfuant to an act of the 27th year of his prefent Majefty's reign, this 3d day of February 1790, by

GEORGE ROSE.

An

An Account of the Total Net Produce, paid into the Exchequer, of the Duties of Cuſtoms of Great Britain; diſtinguiſhing, as far as poſſible, the Produce on every ſeparate Article, the Duties on which ſhall have amounted to £. 1000 or more, between the 5th January 1789 and the 5th January 1790.

SPECIES of GOODS.	Net Revenue, ſubject to the Payment of Bounties, Expences of Management, &c.		
Aſhes, Pearl	790	17	0
——— Pot	732	11	11
Barilla	26407	10	9¾
Beads, coral	320	15	3
Brimſtone	3124	6	0¾
Briſtles, undreſt	4175	11	6½
Carpets, Turkey	1892	13	9
Copper, unwrought	2460	14	10¾
Cork	5040	7	7½
Corn, oats	3353	2	11½
—— wheat	2073	4	4¼
Drugs. Almonds, bitter	214	9	0½
Aloes cicotrina	450	1	4
Cortex, Peru	5446	12	11½
Ginſeng	1201	19	8
Gum guiaci			
Jalap	1839	6	3
Juniper berries	1720	19	1
Quickſilver	1354	6	6
Saccarum Saturni	2515	15	5
Senna	138	14	8
Succus liquoritiæ	7118	6	3
Verdigris	1243	10	0
Elephants teeth	2054	19	9¾
Feathers for beds	5150	8	11½
Glaſs plates	4686	14	10½
Grocery. Almonds, Jordan	2162	3	8
——— not Jordan	23	4	1¼
Capers	653	9	9½
Cinnamon	739	15	5
Cloves	608	15	1
Coffee	15562	15	10¼
Cocoa	1171	6	10¼
Currants	69936	12	5
Figs	6710	5	0¼

Ginger

SPECIES of GOODS.			Net Revenue, subject to the Payment of Bounties, Expences of Management, &c.		
Grocery.	Ginger		186	[illegible]	[illegible]
	Mace		1125	19	[illegible]
	Nutmegs		1318	8	[illegible]
	Pimento		7010	12	[illegible]
	Prunes		1944	16	[illegible]
	Raisins,	Denia	21464	5	[illegible]
		Lexia	4995	0	[illegible]
		Liprai	3882	5	[illegible]
		Smyrna	-		
		Solis	16702	12	9
	Rice		3346	1	4
	Sugar, brown		1095106	2	[illegible]
Hair, horse			1125	18	0
—— human			1884	3	6
Hats, chip			2084	4	[illegible]
—— straw			898	4	[illegible]
Hemp, rough			82551	19	11
Hides, losh			1023	13	2
Incle, wrought			3280	11	1½
Iron, bar			128475	0	4½
Kelp			1671	3	8½
Lemons and oranges			10151	18	6
Linen.	Cambricks		11431	3	[illegible]
	Canvas, Hessens		17503	12	7[illegible]
	——— Spruce		9058	5	3[illegible]
	Damask Silesia tabling		1017	18	10
	Diaper Silesia napkening		334	10	6
	——— Russia, broad		97	0	11
	Germany, narrow		33585	5	0½
	Lawns, French		417	7	6
	——— not Holland, whited		-		
	——— Holland, whited		360	19	4
	Russia, broad, above 22½		25871	16	6[illegible]
	——————— above 31½		2882	11	10[illegible]
	——————— above 36		14087	18	6[illegible]
	——— drilling		5802	14	[illegible]
	——— narrow		7188	18	7[illegible]
	——— towelling and napkening		881	3	9½
Mats, Russia			[illegible]655	8	6½
Melasses			-		
Metal, leaf			406	17	3
Nuts, small			1248	16	8½
Oil, ordinary			12091	8	4

DISCHARGE.

By bounties paid — —	528522	13	4
By over entries re-paid, and allowances on damaged goods — —	26661	14	10
By portage bills — —	194	12	8
— paid towards supporting the three supreme courts of justice in Scotland —	26500	0	0
— paid for purchasing the exemption of Pit-farren coals from duty —	13465	10	11
— paid expences of management, { England 297027 3 8 ; Scotland 47107 2 4½ }	344134	6	0¼
— bill remitted from the receiver general of the customs in Scotland to the receiver general of the customs in England, not due on the 5th January last — —	10000	0	0
— small balances in the hands of different collectors, and of the receiver general of the customs of Scotland — —	9697	6	10¾
— paid into the Exchequer —	3686994	6	2¼
Total discharge £.	4646170	10	10¼

Custom House, London,
February 2d, 1790.

THOMAS IRVING,
Inspector general of imports and exports of G. Britain.

N. B. It is to be observed, that those articles in the above account which appear to be under a £. 1000 net produce, reduced upwards of £. 1000 in the gross receipt.

An Account of the total net produce, paid into the Exchequer, of the Duties arising from the Stamp revenue, that have amounted to 1000l. or more, in the four quarters next preceding the 5th of January last.

	£.	s.	d.
Consolidated duties —	659,163	0	10
Insurance duty — —	101,674	8	6
Burials, &c. — —	4,211	6	4
Bills of Exchange —	83,348	13	8
Receipts — —	39,284	1	9
Hats — — —	20,380	19	1
Plate — —	22,453	9	11
Horse Dealers, &c. —	1,034	7	3
Post Horse Duty, &c. —	170,554	18	7
Medicines — —	10,587	16	9
Game — —	47,771	12	10
Attornies — —	24,595	16	0
Pawnbrokers — —	4,173	12	5
Gloves — —	9,108	6	3
Perfumery — —	8,200	5	6
Judges duty in Scotland —	1,163	12	10
Apprentice duty —	7,260	8	2
	1,214,966	16	8

Stamp Office,
28th January, 1790.

J. LLOYD, pro Compt.

EXCISE.

EXCISE.

An Account of the Total net Produce (paid into the Exchequer) of the Duties of Excise; distinguishing, as far as possible, the produce of every separate Article, the duty on which has amounted to one thousand pounds, or more, between the 5th January, 1789, and the 5th January, 1790.

Under what Heads paid in.	First Quarter, from 5th Jan. 1789 to 5th April 1789.			Second Quarter, from 5th April 1789, to 5th July, 1789.			Third Quarter, from 5th July 1789, to 10th October 1789.			Fourth Quarter, from 10th Oct. 1789 to 5th Jan. 1790.			Total Net Produce of the Four Quarters.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Auctions	12604	0	0	13502	0	0	13662	0	0	12256	0	0	52024	0	0
Beer	403367	0	0	551343	0	0	442730	0	0	284085	0	0	1681525	0	0
Bricks and Tiles	9336	0	0	368	0	0	38275	0	0	43794	0	0	91773	0	0
Candles	110549	0	0	87544	0	0	40913	0	0	52160	0	0	291166	0	0
Coaches built for sale	177	0	0	890	0	0	715	0	0	462	0	0	1744	0	0
Cocoa Nuts and Coffee	8562	0	0	8140	0	0	8866	0	0	9216	0	0	34784	0	0
Cyder, perry, and verjuice	2023	0	0	7517	0	0	20666	0	0	12206	0	0	42412	0	0
Glass	37440	0	0	33391	0	0	36029	0	0	33259	0	0	140119	0	0
Hides and Skins, Vellum and Parchment	60350	0	0	40807	0	0	58695	0	0	48044	0	0	207896	0	0
Hops	—			123133	0	0	7671	0	0	—	0	0	130804	0	0
Malt perpetual duty	7919	0	0	114197	0	0	339257	0	0	162187	0	0	623560	0	0
Metheglin or Mead, and Vinegar	4032	0	0	2972	0	0	7100	0	0	4473	0	0	18577	0	0
Paper	17195	0	0	11238	0	0	18148	0	0	17983	0	0	64564	0	0
Printed Goods	41562	0	0	19773	0	0	41926	0	0	49941	0	0	153202	0	0
Soap	75744	0	0	74696	0	0	88460	0	0	76031	0	0	314931	0	0
Spirits { British	182618	0	0	201661	0	0	47482	0	0	74101	0	0	505862	0	0
Spirits { Foreign	160976	0	0	221844	0	0	216737	0	0	180260	0	0	785817	0	0
Starch	19145	0	0	19232	0	0	21608	0	0	17442	0	0	77427	0	0

	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Sweets — — —	1384	0	0	2200	0	0	2866	0	0	752	0	0	7202	0	0
Tea — — —	81275	0	0	205532	0	0	79164	0	0	173604	7	10	539575	7	10
Verjuice, with Cyder and Perry — —															
Vinegar, with Metheglin or Mead, — —															
Wine — — —	39314	0	0	57459	0	0	56446	0	0	69430	0	0	252649	0	0
Wire — — — —	403	0	0	683	0	0	885	0	0	310	0	0	2281	0	0
Licences to: Auctioneers (with Auctions) —															
Coachmakers — —	—			497	0	0	—			—			497	0	0
Dealers in Coffee, Chocolate, or Tea —	2170	0	0	2036	0	0	5079	0	0	3216	0	0	12501	0	0
Makers and Sellers of Wax and Spermaceti Candles (with Candles) —															
Makers of, and Dealers in, Excise Commodities — —	5183	0	0	2475	0	0	5560	0	0	26699	0	0	39917	0	0
Retailers of Spirituous Liquors —	17619	0	0	18504	0	0	16098	0	0	21228	0	0	75449	0	0
Ditto, commenced 6th July, 1787 —	20991	0	0	21610	0	0	21542	0	0	20900	0	0	85043	0	0
Sellers of Gold and Silver Plate —	1359	0	0	1617	0	0	2563	0	0	1809	0	0	7348	0	0
Per cent. Duties on Licences — —	1000	0	0	—			—			—			1000	0	0
Repealed Duties on Coaches — —	3012	0	0	407	6	3	—			—			3419	6	3
Repealed Duties on Servants — — —	3004	0	0	443	2	8	—			—			3447	2	8
Tobacco and Snuff, commenced 11th Oct. 1789	—			—			—			70590	0	0	70590	0	0
Total of perpetual Duties — —	1336313	0	0	1845211	8	11	1671143	0	0	1466438	7	10	6319105	16	9
Annual Malt, Mum, Cyder, and Perry —	8991	0	0	106202	0	0	295514	0	0	131255	0	0	541962	0	0
Total of England — —	1345304	0	0	1951413	8	11	1966657	0	0	1597693	7	10	6861067	16	9

Account of the Duties of Excise paid into the Exchequer (by the Commissioners of Excise in England) in One Year, between the 5th January, 1789, and the 5th January, 1790, on the Part of Scotland.

Under what heads paid in.	First Quarter, from 5th Jan. 1789 to 5th April 1789. £.	s.	d.	Second Quarter, from 5th April 1789 to 5th July 1789. £.	s.	d.	Third Quarter, from 5th July 1789 to 10th October 1789. £.	s.	d.	Fourth Quarter, from 10th October 1789 to 5th January 1790. £.	s.	d.	Total Net Produce of the Four Quarters. £.	s.	d.
Excise, consolidated — — —															
Licences — — —	3500	0	0	1000	0	0	—			2000	0	0	6500	0	0
Malt, consolidated — — —	5500	0	0	3500	0	0	6500	0	0	12000	0	0	27500	0	0
Printed Goods — — —	10000	0	0	5000	0	0	4000	0	0	4000	0	0	23000	0	0
Soap — — — —	14500	0	0	11000	0	0	14000	0	0	11000	0	0	50500	0	0
Spirits { British — — —	10500	0	0	12500	0	0	7000	0	0	7000	0	0	37000	0	0
Spirits { Foreign — — —	4000	0	0	10000	0	0	10000	0	0	15000	0	0	39000	0	0
Auctions — — —	1000	0	0	500	0	0	500	0	0	1000	0	0	3000	0	0
Starch — — — —	1500	0	0	500	0	0	1500	0	0	2000	0	0	5500	0	0
Wine — — — —	3000	0	0	5000	0	0	4000	0	0	10000	0	0	22000	0	0
Bricks and Tiles — — —	1500	0	0	500	0	0	—			—			2000	0	0
Cards — — — —	2000	0	0	1000	0	0	1000	0	0	2000	0	0	6000	0	0
Paper — — — —	1500	0	0	1000	0	0	1000	0	0	1000	0	0	4500	0	0
General Licences — — —	—			1500	0	0	—			—			1500	0	0
Candles — — — —	—			—			4000	0	0	—			4000	0	0
Total of perpetual duties — —	58500	0	0	53000	0	0	53500	0	0	67000	0	0	232000	0	0
Annual Malt, Mum, Cyder, and Perry —	3500	0	0	—			3500	0	0	6000	0	0	13000	0	0

Total of Scotland — —	62000 0 0	53000 0 0	57000 0 0	73000 0 0	245000 0 0
England — — —	[illegible]319105 16 9				
Scotland — — —	232000 0 0				
Perpetual duties — —	—	6551105 16 9			
England — — —	541962 0 0				
Scotland — — —	130 0 0 0				
Annual Malt, &c. — —	—	554962 0 0			
Total — —	—	7106067 16 9			

Excise Office, London,
5th January, 1790.

JAMES WEBB, Accomptant General.

An Account of the total net Produce of the Duties under the head of Incidents; diſtinguiſhing, as far as poſſible, in each branch, the produce on every ſeparate article, the duties on which ſhall have amounted to 1000l. or more, in the four quarters next preceding the 5th January laſt.

	£.	s.	d.
Conſolidated ſalt, 1787 — —	374,017	1	1
Ditto letter money, per week — —	159,000	0	0
Letter money, 1760 — —	164,000	0	0
Seizures, ditto — —	20,767	3	11
Alienation duty, ditto — —	2,023	2	0
Firſt fruits — —	3,937	5	0
Tenths — — —	19,550	5	1¼
Hawkers and Pedlars, 1710 — —	2,836	11	5
Hackney Coaches, 1711 — —	11,700	0	0
Ditto, 1784 — — —	13,000	0	0
6d. deduction on Penſions, 24th June, 1721 -	42,760	0	0
1s. ditto on Salaries, 5th July, 1758 —	36,375	15	9¼
Male ſervants, 1785 — —	103,558	19	2¾
Female ditto, do. — —	36,081	4	11
4-wheel carriages, do. — —	149,148	11	1
2-wheel carriages, do. — —	34,394	4	3½
Waggons, do. — —	23,472	8	8
Carts, do. — —	11,910	3	1½
Horſes, do. — —	114,745	3	2¼
Shops, do. — —	58,649	13	11
Stamps, per Bank — —	12,000	0	0
Houſes and Windows, 1766 — —	427,717	0	0¼
Houſes, 1778 —— —	157,133	6	4¼
Lottery Licenſes, 1787 — —	1,517	13	4
Ditto, 1788 — — —	1,034	7	2
	1,985,159	19	8
The produce of the duties under 1000l. in the above period, amount to the ſum of —	1,825	12	5
	1,986,985	12	1

Exchequer, Jan. 29, 1790. Ex. per NEWCASTLE.

	£.	s.	d.
Money paid by the right honourable William Pitt, for conscience sake, from a person unknown —	360	0	0
Ditto, by George Ross and Alexander Gray, agents to the 3d regiment — —	156	1	2¼
Ditto, by ditto to the 19th regiment —	90	17	8½
Ditto, by ditto to the 35th regiment —	27	3	4
Ditto, by Alexander Adair (and Thomas Bullock, executor of Henry Bullock) for several regiments, to which William Adair was agent —	909	19	
Ditto, by Alexander Adair to which William Adair and Thomas Bullock were agents —	39	1	8
Ditto, — — —	349	8	1
Ditto, by Alexander Adair, executor of William Adair, late agent of the 72d regiment —	249	7	8
Ditto, by lieutenant general Alexander Leslie, late commander of the forces at South Carolina	112	15	3
Ditto, by James Meyrick, executor of James Meyrick, late agent to the 69th regiment —	21	18	1
Ditto, by the East-India Company, on account of the expences of victualling the navy, and for the use of the king's troops, in India —	300000	0	0
Ditto, by Robert Adair and Joseph Partridge, esquires, executors of John Adam Frederick Hesse, esquire, on account of invalid officers —	518	15	0
Ditto, by Joshua Peart, esquire, on account of non-effective, deceased, &c. of South Lincoln militia	240	15	3
Ditto, by Sir John Chichester, baronet, sheriff of Devon, per distress on John Harris, in part of a bond of £.200	0	10	6
Ditto, by Robert Mackenzie, late paymaster of the Provincial forces in North America —	1706	0	5¾
Ditto, by W. Cowden, agent to the 16th reg. dragoons	600	0	0
Ditto, by Isaac Winslow Clerke, executor of Jon. Clerke	446	14	9
Ditto, by John Russell, esquire, agent to the Glamorganshire militia — —	11	16	2
Ditto, by John Ross and A. Gray, agents to the 83d reg.	191	4	0
Ditto, by Joseph White, on account of George Hesse, late agent to the 7th regiment —	1500	0	0
Ditto, by James Parsons, on account of T. Allen, late receiver of the county of Somerset [illegible] taxes	500	0	0
Ditto, by Thomas Steele, Esq. [illegible] £. 187,000 —. —. for annuities granted by act of parliament, anno 29 Geo. III. —	4026	0	0
Imprest money repaid by Daniel Macnamara, executor of Richard Rigby, late paymaster of the forces	31367	18	7
Ditto, by Nathaniel Barwell, Geo. Harward, and Joseph Planta, esquires, paymasters of Exchequer bills	114	13	4
Ditto, by John Hatsell, esquire, clerk of the House of Commons — —	179	16	1
Ditto, by the right honourable Lord North, and the executors of George Cooke, late paymaster of the forces	2793	14	8
Ditto, by Sir George Cornwall, baronet, executor of John Amyand, esquire — —	447	19	9
	347052	9	9½
	1986985	12	1
	2334038	1	10½

An Account of the net Produce of the Duties of Customs, Excise, Stamps, and Incidents, between the 5th day of April, 1788, to the 5th day of April, 1789; and between the 5th day of April, 1789, to the 5th day of April, 1790.

	1789.			1790.		
	£.	s.	d.	£.	s.	d.
Customs — —	3711126	3	9	3777152	1	7½
Excise — —	6068295	8	2	6707555	16	9
Stamps — — —	1244109	11	3	1259124	3	10
INCIDENTS.						
Consolidated letter money, 1787	156000	0	0	156000	0	0
salt — —	350268	15	1	397104	15	3½
Seizures since 25th October 1760	20421	9	10½	19828	12	1
Proffers, do. — —	533	15	7½	648	1	3
Fines of leases, do. —						
Letter money, do. — —	156000	0	0	201000	0	0
Alum mines, do. — —	960	0	0	960	0	0
Compositions, do. — —	7	13	4	5	0	0
Fines and forfeitures, do. —	1891	11	7½			
Alienation duty, do. — —	3091	12	0	2023	2	0
Rent of a light house, do. —	6	13	4	6	13	4
6d. per lib. on pensions, 24th June 1721	45585	0	0	44760	0	0
1s. deduction on salaries, &c. 5th April 1758 — —	51285	15	7¼	35357	17	10
Houses and windows, 1766 —	383234	10	10	429257	8	1¼
Inhabited houses, 1779 —	128809	0	8¼	155015	6	3¼
Hawkers and Pedlars, 24th June 1710	2220	0	0	3536	11	5
Ditto, 1785 — —						
Hackney coaches and chairs, 1st Aug. 1711 — —	11100	4	4	12200	0	0
Ditto, 1784 — —	14052	4	4	14000	0	0
Male servants, 1785 —	91876	13	3¼	99893	1	1
Female do. do. —	31431	4	6½	36881	17	0¼
4-wheel carriages, do. —	126965	8	11¼	148692	0	5½
2-wheel do. do. —	27644	13	0¼	33934	18	3
Waggons, do. —	19420	17	9¼	22530	17	3¼
Carts, do. —	11513	8	11½	11305	10	11
Horses, do. —	99985	17	7¼	109287	8	3¼
Shops, do. —	50195	16	11¼	52929	11	10
First fruits of the Clergy —	4380	16	11	3937	5	0
Tenths — — —	19786	2	9¼	9667	14	6
Men Servants, 1777 — —	6	0	0			
Houses and Windows, 1726 —	——			229	1	10
Total of Incidents	1808675	7	5¼	2001592	14	0¼
Total of Customs, Excise, Stamps, and Incidents	12832296	10	7¼	13745124	16	3¼

Exchequer,
12th of April, 1790.

ROBERT JENNINGS.

Account of the Income of, and Charges upon, the Consolidated Fund, in the Quarter ending on the 5th of April 1790.

INCOME.

	£.	s.	d.
Consolidated duties of Excise	1551263	0	0
Ditto — — Customs	777705	3	10
Ditto — — Stamps	322293	0	0
Ditto — — Salt	112685	11	9½
Ditto — Letter money	127000	0	0
Tax on hackney coaches and chairs	9000	0	0
Ditto hawkers and pedlars	900	0	0
Ditto houses and windows, A. 1766	599[illegible]8	11	5¾
Ditto inhabited houses, - A. 1779	25076	17	11¾
Ditto shops — A. 1785	3456	11	0¼
Ditto horses ditto	8306	15	4½
Ditto male servants ditto	10284	6	11¼
Ditto female servants ditto	5320	15	3
Ditto four-wheel carriages ditto	21297	2	1
Ditto two-wheel carriages ditto	3988	12	0
Ditto waggons ditto	1316	2	9
Ditto carts ditto	1726	2	8½
Ditto 1s. per lib. on salaries and pensions, A. 1758	15569	3	4
Ditto 6d per lib. on ditto 1721	8700	0	0
Seizures of uncustomed and prohibited goods	1494	4	9½
Sheriffs proffers	93	4	3
Fines of leases			

	£.	s.	d.
Rent of alum mines — —	480	0	0
Rent of a light house — —	6	13	4
Compositions in the Exchequer — —	2	0	0
Compositions paid by the Bank of England, in lieu of the stamp duties on notes and bills issued by them — — —	6000	0	0
Impreſt money repaid by Loftus Ant. Tottenham, colonel of the 90th regiment, on account of William Fitch, Esq. — —	2800	0	0
Ditto — by John Smith, Esquire, paymaster of the Provincial forces in North America — —	2519	10	3¾
Ditto — by Ann Rigby, *et al.* residuary legatees to Richard Rigby, Esquire, late paymaster general of the forces —	5000	0	0
Ditto — by Nathaniel Collyer, on account of colonel Tarlton's regiment -	2100	0	0
Ditto — by ditto, on account of an additional company to the 4th regiment -	500	0	0
Ditto — by Robert Adair and Joseph Partridge, executors of I. A. F. Hesse, on account of the officers of the infirmary —	413	7	11
Ditto — by William Brummell, agent for Chelsea hospital —	12000	0	0
Money paid by the East India Company, on account of the victualling the navy, and for the use of the king's troops — —	200000	0	0
Ditto, by Thomas Steele, Esquire, for interest on £. 187000, by act 29 Geo. III. —	4026	6	0
Arrears of the 51st, 4s. aid, A. 1787 — —	81	5	7
Ditto of the 16th, 3s. aid, A. 1768 — — —	507	17	4
Compositions by John Jackson — — —	450	0	0
	3304392	6	1

CHARGE.

EXCHEQUER.

	£.	s.	d.
Annuities which were formerly charged on 99 years Excise, with the salaries to the officers of the receipt of Exchequer, for three months, due 5th April 1790 — —	12428	15	7½
On 2-7ths Excise, with ditto — for ditto — —	3677	16	0
3700l. per week, with ditto — for ditto — —	7957	11	8
A. 1706, with ditto — — for ditto — —	6181	2	10½
A. 1707, with ditto — — for ditto — —	2038	0	6½
Per 1st act 1708, with ditto — for ditto — —	1229	13	1¼
Per 2d act 1708, with ditto — for ditto — —	2649	6	3¾
Annuities on lives, with the benefit of survivorship, A. 1766 for half a year, due ditto —	270	0	0

SOUTH-SEA COMPANY.

	£.	s.	d.
Annuity and management on 24,065,0[illegible]l. 13s. 11½d. their present capital, for 3 months, due 5th April 1790 -	183993	13	5¾

BANK OF ENGLAND.

	£.	s.	d.
Annuity and management on 32,750,[illegible]l. 4 per cent. consol. annuities, for 6 months, due 5th April 1790	662368	15	0
Annuity and management for 30 and 29 years, by act 18th and 19th Geo. III. rates for ditto 204,440 1 5¾; Annuity for 18¾ years, by act 29 George III. rates for ditto — — 7,000 16 3	211440	17	8¾
Annuity and management on 3[?],340,073l. 15s. 4d. 3 per cent. reduced annuities, for ditto, after abating the sum of 153l. for half of 306l. being after the rate of 450l. per million, on the principal sum of 680,000l. purchased by the commissioners for the reduction of the national debt — —	568277	12	5½
Annuity and management for long terms, established by several acts of parliament, for ditto —	348014	12	2¼
Annuities granted A. 1777, for 10 years, amounting to the sum of 25,000l. per ann. which ceased upon the 5th April 1787, and is to be placed to the account of the commissioners for the reduction of the national debt, for ditto — — — —	12500	0	0
Annuity and management on 3,200,000, at 3 per cent. per annum, for one quarter, due 12th February 1790	25000	0	0
Annuity and management on 4,000,000, purchased of the South-Sea Company, for ditto, due 5th April 1790	30471	10	10¼
Annuity on 500,000, at 3 per cent. per annum, for 3 months, due ditto — —	3750	0	0
Annuity on 1,250,000, at ditto — for ditto — — —	9375	0	0

Annuity on 1,750,000, at ditto — for 3 months, due 5th April, 1790 —				13125	0	0
Annuity on 980,800, at ditto — for ditto —				7401	0	0

EAST-INDIA COMPANY.

Annuity on 3,200,000l. at 3 per cent. per annum, for one quarter, due 5th April 1790 —				24000	0	0
Annuity on 1,000,000l. at ditto — for ditto —				7500	0	0
The Judges of England and Wales, on their several additional allowances, for one quarter, due 5th April, 1790				3262	10	0
Charles Bembridge, Esq. late Secretary and Accountant in the Office for managing the former duties on wine licences, for ditto —				32	10	0
More to him, as late Messenger to the above Office, for do. —				5	0	0
Ann Cass, late Office keeper in the above Office, for do. —				5	0	0
The Officers in the Exchequer Bill Office, on their salaries, for do. —				162	10	0
For the support of His Majesty's Houshold, for do. —				224500	0	0
His Royal Highness William Henry Duke of Gloucester,	on his annuity of		£.8000 for do.	2000	0	0
Ditto —	on	ditto	9000 for do.	2250	0	0
His Royal Highness Henry Fred. Duke of Cumberland	on	ditto	8000 for do.	2000	0	0
The representatives of Arthur Onslow —	on	ditto	3000 for do.	750	0	0
The Earl of Chatham —	on	ditto	4000 for do.	1000	0	0
George Lord Rodney —	on	ditto	2000 for do.	500	0	0
Lord Heathfield —	on	ditto	1500 for do.	375	0	0
Lord Sondes, late one of the Auditors of the Imprest	on	ditto	7000 for do.	1750	0	0
Lord Cardiffe, ditto —	on	ditto	7000 for do.	1750	0	0
Philip Deare, Esq. —	on	ditto	300 for do.	75	0	0
John Wrigglesworth, Esq. —	on	ditto	300 for do.	75	0	0
John Lloyd, Esq. —	on	ditto	300 for do.	75	0	0
Charles Harris, Esq. —	on	ditto	200 for do.	50	0	0
Sir William Musgrave, Bart. one of the Commissioners for auditing the Public Accounts —	on	ditto	1000 for do.	250	0	0
John Thomas Batt, Esq. ditto —	on	ditto	1000 for do.	250	0	0
John Martin Leake, Esq. ditto —	on	ditto	1000 for do.	250	0	0
Sir John Dick, Baronet, ditto —	on	ditto	500 for do.	125	0	0
William Mollefon, Esq. ditto —	on	ditto	500 for do.	125	0	0

For clerks contingencies in the office for auditing the public accounts for do. — —	1500	0	0
Lady Dorchester, Guy Carlton, and Thomas Carlton, Esqrs. on their annuity of 1000l. for do. —	250	0	0
The Earl of Chesterfield, Master of His Majesty's Mint in England, for the expences of the said Mint —	3450	0	0
Total charge on the consolidated fund, on the quarter ended 5th April, 1790 —	2386470	17	10½
Surplus of ditto — on ditto — — —	917921	8	2½
	3304392	6	1

Memorandum.—The above sum of 917921l. 8s. 2½d. is to be applied to the following purposes, viz.

By cash to be applied by the Commissioners appointed by Parliament for reducing the national debt — — — —	£.250000	0	0
By cash taken in full of 1530000l. granted by an act 29th George III. towards the supply for the year 1789 — — — —	46770	6	11
Balance in cash remaining on the 5th April, 1790, for the disposition of Parliament —	621151	1	3½
	917921	8	2½

Exchequer,
12th of April, 1790.

ROBERT JENNINGS.

An Account of the Monies remaining in the Exchequer, the 5th day of April, 1790, of the Surpluſſes, Exceſſes, or overplus Monies, and other Revenues, of the Fund commonly called the Conſolidated Fund, for the diſpoſition of Parliament, after ſatisfying the ſeveral Charges and Incumbrances thereupon.

The monies remaining in the Exchequer, the 5th day of April, 1790, of the ſurpluſſes, exceſſes, or overplus monies, and other revenues, of the fund commonly called the Conſolidated Fund, for the diſpoſition of Parliament, after ſatisfying the ſeveral charges and incumbrances thereupon, amount to the ſum of ſix hundred twenty-one thouſand one hundred fifty-one pounds one ſhilling and three pence halfpenny.

Exchequer,
12th of April, 1790. ROB. JENNINGS.

General Average of the price of Corn, from 1770 to 1790.

	Wheat. Per Quarter.		*Barley.* Per Quarter.		*Oats.* Per Quarter.		*Beans.* Per Quarter.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
London - - -	43	3	22	5	16	8	24	6
Counties Inland -	45	11	24	0	17	0	29	4
Counties on the Coaſt -	45	1	22	9	15	9	28	0
	44	9	23	0	16	5	27	3
North and South Wales	46	1	45	2	12	11	31	2

April 19, 1790. JOHN J. CATHERWOOD,
Receiver of Corn Returns.

An Account of Naval Stores imported from Russia into the Ports of England, commonly called the Out Ports, from Michaelmas 1788, to Michaelmas 1789.

ROCHESTER.

Tons.	cwt.	qrs.	lbs.	
595	6	3	26	hemp
odd.				
	68	3	20	deals under 20 feet in length.
	3	1	20	deal ends under 8 feet in length.
	3	0	20	spars.

Loads.	Feet.	
486	41	fir timber.
Lasts.	Gallons.	
8	99	pitch.
7	227	tar.
55 masts.		

DOVER.

Tons.	cwt.	qrs.	lbs.	
2	11	2	17	rough flax.

PORTSMOUTH.

Tons.	cwt.	qrs.	lbs.	
316	8	1	2[illegible]	iron.
[illegible]	[illegible]	[illegible]	21	hemp.
odd.				
	72	0	19	deals under 20 feet in length.

Loads.	feet.	
356	19	fir timber.
8	15	oak timber.
12 masts.		

SOUTHAMPTON.

Tons.	cwt.	qrs.	lbs.	
175	11	2	24	iron.
	2710	3	11	rough hemp.

Cwt.	qrs.	lbs.	
981	0	0	unmanufactured tallow.
odd			
3	2	25	deals under 20 feet in length.

POOLE.

Cwt.	qrs.	lbs.	
2800	1	23	rough hemp.

Tons.	cwt.	qrs.	lbs.	
49	7	0	21	iron.

EXETER.

960 cwt. hemp.

PLYMOUTH.

Tons.	cwt.	qrs.	lbs.	
340	0	0	5	iron.

Cwt.	qrs.	lbs.	
34480	0	13	rough hemp.
70 masts.			

FALMOUTH.

Tons.	cwt.	qrs.	lbs.	
122	9	0	20	iron.
5470	1	0	0	hemp.
105	1	5	0	tow.
	Ells.			
45	2	22		sail cloth.

Cwt.	qrs.	lbs.		
10	1	19	cordage.	16 masts.
odd				
0	1	10	oars.	
Lasts.				
69	5	barrels tar.		
25	1	pitch.		

TRURO.

TRURO.

Tons.	cwt.	qrs.	lbs.	
170	0	0	14	iron.
101	16	1	16	t llow.
Cwt.				
3436	0	3	13	rough hemp.

Cwt.	qrs.	odd.	
0	2	10	deals not exceeding 20 feet in length.
Ells.			
7	1	0	ſail cloth.

PENZANCE.

Cwt.	qrs.	lb.	
2185	3	13	rough hemp.

BRISTOL.

Tons.	cwt.	qrs.	lbs.	
2181	0	0	16	iron.
Cwt.				
23780	0	3		rough hemp.
2446	2	26		undreſt flax.
7986	1	19		tallow.
	odd.			
141	3	24		deals under 20 feet in length.
14	2	3		deal ends.
	odd			
2	1	20		oars.
113	3	11		cordage.

8 fathom lathwood.

Laſts.	Barrel.		
109	1		tar.
		Gallons.	
9	6	20	pitch.
Loads.	feet.		
487	5		fir timber.
50	8		oak timber.
Cwt.	qrs.	odd	
56	3	14	battens.
4	3	6	ſpars.
3	1	13	clapboards.

121 maſts.
1 topſail.

GLOUCESTER.

Tons.	Tons.	Loads.
93 iron.	17 hemp.	25 oak timber.

SWANZEY.

12 handſpikes. 18 oars.

HARWICH.

Tons.	cwt.	qrs.	lbs.	
7	9	2	17	hemp.
1	0	2	22	tallow.
12	8	1	3	iron.
	2	1	15	flax.

Cwt.	qrs.	odd.	
0	2	15	deals under 20 feet in length.
3	2	24	deal ends under 8 feet in length.
0	0	12	battens.
Loads.	feet.		
77	36¼		fir timber.

IPSWICH.

Tons.	cwt.	qrs.	lbs.	
99	14	2	3	iron.
26	5	0	7	tallow.
57	5	1	7	rough hemp.

Cwt.	qrs.	odd.	
3	0	18	deals under 20 feet in length.
	0	11	deal ends under 8 feet in length.

YARMOUTH.

Tons.	cwt.	qrs.	lbs.	
53	9	3	10	rough hemp.
114	8	3	0	iron.
35	7	2	22	tallow.
cwt.		odd		
42	0	14		deals not exceeding 20 feet in length.
	0	12		deals above 20 feet in length.

Cwt.	qrs.	lbs.	
3	1	27	oakham.
loads	feet		
621	1		fir timber.
25	6		wainscot logs
No.			
18			wainscot logs.
20			pair of oars.
19			masts.

LYNN.

Tons.	cwt.	qrs.	lbs.	
127	2	3	26	rough hemp.
86	1	1	24	iron.
9	19	1	18	tallow.
0	21	0	0	cordage.
0	9	0	0	drillings.
			No.	
			16	oars.

Cwt.	qrs.	odd.	
54	3	5	deals not exceeding 20 feet in length.
4	1	6	deal ends under 8 feet in length.
18	1	14	battens.
Lasts.			
85			tar.
Ells.			
50			sail cloth.

BOSTON.

Cwt.	qrs.	odd.	
33	3	0	deal not above 20 feet in length.
1	2	5	deal ends under 8 feet in length.

Cwt.	qrs.	odd.	
35	3	8	battens.
0	0	12	spars.

HULL.

Tons.	cwt.	qrs.	lbs.	
7660	13	0	17	iron.
	34,665	3	26	undrest flax
Cwt.				
	42,122	2	14	rough hemp.
	14,961	0	13	tallow.
	4,832	1	5	tow.
			odd	
	3,698	3	3	deals under 20 feet in length.
	8	0	28	deals under 8 feet in length
	0	0	6	foreign made sails.

Cwt.	qrs.	lbs.	
73	3	23	cordage.
39	0	20	oakham.
		odd	
31	2	17	handspikes
3	1	12	oars.
41	1	11	spars.
		Ells.	
0	2	27	sail cloth.
Lasts.			
586	6-12		of tar.
16	6-12		of pitch.
361			masts.

SCAR-

SCARBRO'.

Cwt.	
502	hemp tow.
No.	
23	masts.

Cwt.	qrs.	lbs.	
185	2	0	hemp.

Cwt.	qrs.	lbs.	
471	1	12	rough flax.

STOCKTON.

Cwt.	qrs.	lbs.	
664	2	7	rough flax.
		odd	
70	0	16	deals.
2	2	0	deal ends.

Tons.	cwt.	qrs.	lbs.	
47	5	0	21	iron.
0	6	0	0	battens.
0	0	0	3	masts.

SUNDERLAND.

Cwt.	qrs.	odd.	
4	3	10	handspikes.
0	2	8	oars.

Lasts.	
98½	tar.
8½	pitch.

NEWCASTLE.

Tons.	cwt.	qrs.	lbs.	
398	5	1	23	iron.
Cwt.				
19882		0	17	rough hemp.
4823		3	10	rough flax.
1485		3	25	tallow.
59		2	21	tow.
99		2	0	cordage.
4		2	24	oakham.
			odd	
34		1	23	deals not above 20 feet in length.
1		0	0	deal ends under 8 feet in length.

Loads.	feet.	
43	44	oak timber.
23	33	fir timber.

Cwt.	qrs.	odd.	
5	1	10	handspikes.
1	0	0	oars.
1	2	22	spars.

Lasts.	
411 9-12	tar.
1	mast.
7	fatham lathwood.

BERWICK.

Cwt.	qrs.	lbs.	
100	2	14	hemp.

WHITEHAVEN.

Tons.	cwt.	qrs.	lbs.	
65	2	3	27	flax.
263	5	3	20	iron.
39	19	3	24	tallow.
Cwt.				
4298		1	10	hemp.
			Ells	
2		1	16	sail cloth.
42		0	20	oakham.

Cwt.	qrs.	odd.	
10	1	6	deals under 20 feet in in length.
1	0	0	deal ends.
		600	masts.
		50	oars.
		2	masts.
		20	spars.

LAT

LANCASTER.

Tons.	cwt.	qrs.	lbs.	
46	1	3	26	iron.
Cwts.				
2891		1	17	flax.

Cwt.	qrs.	lbs.	
2006		17	hemp.
1250		4	tallow.

PRESTON.

Tons.	cwts.	qrs.	lbs.	
167	5	0	5	iron.
Cwts.				
5693		3	23	rough flax.
3779		1	10	rough hemp.
1875		3	3	tallow.
54		0	18	tow.
			odd	
8		1	9	deals under 20 feet in length.
0		1	0	deal ends under 8 feet in length.

Cwt.			
10	0	0	oakham.
	0	0	handspikes.
Loads.	feet.		
98	10		fir timber.
27	23		wainscot logs.
4	0		facham lathwood.
22			small masts.

LIVERPOOL.

Tons.	cwt.	qrs.	lbs.	
1368	14	2	6	iron.
1143	6	1	15	rough hemp.
542	4	2	21	undrest flax.

Tons.	cwt.	qrs.	lbs.	
5	5	3	3	tow.
Last.	barrels.	gallons.		
284	3	24		tar.
		414		masts.

This account is made from several accounts laid before the Commissioners of the customs by the proper officers.

JOHN GALE,
Secretary.

Custom House, London,
22d January, 1790.

An Account of Naval Stores imported from Ruffia into the Port of London from Michaelmas 1788 to Michaelmas 1789.

Tons.	cwts.	qrs.	lbs.	
10368	16	0	13	Rough hemp,
15605	6	1	10	Rough iron,
509	8	2	26	Rough flax,
37	19	2	11	Tow,
10263	6	0	10	Tallow,
cwt.			odd	
5055	3	0	29	Battens,
16	0	0	21	Handfpikes,
10	3	0	0	Oars,
			1218	Lafts of tar,
			156	Lafts of Pitch,
			166	Great mafts,
			346	Middle mafts,
			116	Fathom firewood,
			100	Mufcovy hides.

Cuftom Houfe, London,
22d January 1790.

This account is copy of an account laid before the Commiffioners of the Cuftoms by one of the Jerquers of this port.

JOHN GALE,
Secretary.

An Account of the total Quantity of Pewter exported from Great Britain, for the laſt Twenty Years, to Denmark, Sweden, Ruſſia, Eaſt Country, Germany, Holland, Flanders, France, Spain, Portugal, Streights, Italy, Turkey, Ireland, Iſles Guernſey, Jerſey, and Man, Africa, Eaſt India, and America, for the laſt Twenty Years, diſtinguiſhing each year.

		Cwt.	qr.	lb.
1770	—	17073	1	24
1771	—	23231	1	22
1772	—	21920	0	11
1773	—	19337	3	24
1774	—	17637	1	3
1775	—	14679	2	0
1776	—	8262	3	27
1777	—	5418	2	4
1778	—	5574	1	4
1779	—	4156	3	16
1780	—	4060	1	7
1781	—	3436	3	1
1782	—	4246	0	21
1783	—	9864	3	11
1784	—	20342	3	20
1785	—	16616	1	17
1786	—	1[illegible]139	3	24
1787	—	10[illegible]58	2	27
1788	—	8[illegible]72	1	12
1789	—	14032	0	2

Inſpector General's Office,
Cuſtom-Houſe, London,
24th Feb. 1790.

THOs. IRVING,
Inſpector General of the
Imports and Exports of
Great Britain.

An Account of the Total Quantity of Tin exported from Great Britain for the last twenty years to Denmark, Russia, Sweden, East Country, Germany, Holland, Flanders, France, Portugal and Madeira, Spain and Canaries, Streights and Gibraltar, Italy Turkey, Ireland, Isles Guernsey, Jersey and Man, Asia, Africa and America, with the duties paid thereon, and distinguishing each year.

	Quantity.			Duty.		
	Cwt.	qrs.	lb.	£.	s.	d.
1770	35167	2	[illegible]	5275	2	8
1771	39010	0	[illegible]	5851	10	1
1772	26761	0	2[illegible]	4014	3	7
1773	30637	2	[illegible]	4595	12	7
1774	41421	3	[illegible]	6213	5	6
1775	343[illegible]9	0	1[illegible]	5149	7	3
1776	4[illegible]314	2	2[illegible]	6947	4	0
1777	4[illegible]180	3	1[illegible]	7[illegible]77	2	6
1778	25641	2	[illegible]	3846	4	7
1779	4[illegible]97	1	[illegible]	6240	3	0
1780	53310	3	2[illegible]	8396	9	6
1781	34805	2	[illegible]	5481	17	4
1782	35[illegible]73	0	1[illegible]	5655	10	8
1783	35[illegible]54	3	[illegible]	5784	0	9
1784	3[illegible]90	0	2[illegible]	5690	17	7
1785	39[illegible]83	0	2[illegible]	6547	14	9
1786	48[illegible]57	1	[illegible]	8060	9	1
1787	[illegible]	2	[illegible]	8223	8	5
1788	46436	1	10	7724	8	0
1789	[illegible]2373	1	[illegible]	7062	4	10

Estimate

An Account of the Imports and Exports of Rum and Sugar into and from Great Britain, for the Year ending the 25th of December, 1789, with the Duties of Customs and Drawbacks paid thereon.

SPECIES of GOODS.	IMPORTS.				EXPORTS.			
	Quantity.	Duty.			Quantity.	Duty.		
		£.	s.	d.		£.	s.	d.
Rum — —	3370893	70226	18	9¾	1195535	23229	6	6
Sugar — — —	193546322	1193535	16	8	157717010	99808	19	10

Inſpector General's Office,
Cuſtom Houſe, London,
18th Feb. 1790.

THOMAS IRVING,
Inſpector General of the Imports and Exports
of Great Britain.

N. B. In the above account, the drawbacks will not be found exactly to correſpond with the quantities exported, becauſe the drawbacks contain the amount of the money actually paid within the year, ſome part of which may have applied to the export of the year preceding.

Charge of Guards, Garrisons, and others His Majesty's Land Forces in Great Britain, Guernsey, and Jersey, from 25th December, 1789, to 24th December, 1790, both inclusive, being 365 Days.

	CORPS.	Numbers.		Pay of commission, non-commissioned Officers, and private men. £. s. d.	Charge of cloathing non-commissioned officers and private men. £. s. d.	Allowances to Captains, Paymasters, Surgeons, Riding-masters, and Serjeants. £. s. d.	TOTAL. £. s. d.	£. s. d.
Horse.	First regiment of life guards —	234		—	—	—	20394 9 2	
	Second ditto —	232		—	—	—	20151 2 6	
	Royal regiment of horse guards —	319		—	—	—	26054 18 4	
			785					66600 10 0
Dragoons.	First regiment of dragoon guards —	336		15291 15 3	1712 5 0	558 0 0	17901 0 7½	
	Second ditto —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Third ditto —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Earl of Pembroke's dragoons —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Lieutenant General Johnstone's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Lord Southampton's —	226		10523 5 3	1147 16 9¼	372 0 0	12272 1 9½	
	Lord Howard's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Lieut. General Johnstone's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
Light Dragoons.	Sir Henry Clinton's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Lieutenant General Pitt's, —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	General Hodgson's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Lord Heathfield's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
	Major General Harcourt's —	225		10486 15 3	1141 10 0	372 0 0	12228 17 5	
			3037					164690 14 0
Foot Guards.	First regiment of foot guards —	1649		—	—	—	46153 2 0	
	Coldstream ditto —	1058		—	—	—	29931 17 10	
	Third ditto —	1058		—	—	—	29986 12 10	
			3765					106071 12 8

Foot.	Lieutenant General Hall's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Prince Edward's	467		8505	6	5¼	1351	2	5¼	540	15	0	10579	19	6			
	General Armstrong's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Major General Picton's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lieut. General Morrison's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Major General O'Hara's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Major General Grenville's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Earl of Harrington's	467		8368	4	7½	1331	2	5¼	540	15	0	10441	13	4			
	Lieut. General Clarke's	467		8368	4	7½	3151	2	5¼	540	15	0	10441	13	4			
	Earl Cornwallis's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lord Frederick Cavendish's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lieut. General Fletcher's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Sir John Dalling's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Sir Hector Munro's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lieut. General Rainsford's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lieut. General Elphinstone's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	Lieut. General Grant's	467		8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
			7939													177646	12	10
Thirty-six independent companies of invalids			1620	27077	8	9	2299	10	0	2880	0	0				33123	15	9
Garrisons with fire and candle			302				782	2	2½	[illegible]5	0	0	19592	6	7½	20427	8	10
Total			17448	301643	17	5½	41467	5	5	17149	15	0				578562	14	1

War Office,
29th January, 1790.

GEORGE YONGE.

Estimate of the Charge of His Majesty's Forces in the Plantations, including those in Garrison at Gibraltar, and a Corps of Foot in New South Wales, from 25th December, 1789, to 24th December, 1790, both inclusive, being 365 Days.

CORPS.	Numbers.	Pay of commission, non-commissioned Officers, and private men.			Cloathing non-commissioned Officers and private men.			Allowances to Captains, Paymasters, Surgeons, and Serjeants.			TOTAL.					
		£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Lieut. General Burgoyne's regiment of foot —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Major General Stopford's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Lieutenant General Baugh's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Sir Robert Murray Keith's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Colonel Hotham's — — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
General Græme's — — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Sir William Erskine's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Major General Roy's — — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Major General Adeane's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Lieut. General Frederick's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Lieut. General Campbell's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Royal American regiment, 4 battalions —	186[illegible]	337[illegible]	16	5	5404	9	9	2163	0	0	4[illegible]008	13	10			
Major General Gunning's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Lieut. General Gabbett's — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
Lieut. General Browne's — — —	467	8368	4	7½	1351	2	5¼	540	15	0	10441	13	4			
	[illegible]													188192	0	6
GARRISONS, &c.																
Quebec, Montreal, Nova Scotia, New Brunswick, Cape Breton, St. John's in Newfoundland, Placentia in ditto, and St. John's Island -	—	—			—			—			—			5675	13	8

Jamaica, Grenada, St. Vincent, and Dominica —	—	—	—	—	—	1195 10 3
Officers serving with the Forces in North America and the West Indies — —	—	—	—	—	—	1,000 4 0
Officers of Hospitals serving in North America and the West Indies — —	—	—	—	—	—	5064 7 6
GIBRALTAR.						
Lord Adam Gordon's reg. of foot, 2d battalion —	467	8128 6 8½	1351 2 5¼	540 15 0	10199 12 10	
Lieut. General Jones's — —	467	83[illegible] 4 7½	1351 2 5[illegible]	540 15 0	10441 13 4	
Lieut. General Smith's — — —	467	[illegible]368 4 7½	1351 2 5¼	5[illegible]0 15 0	10441 13 4	
Sir John Sebright's — — —	467	[illegible]368 4 7[illegible]	1351 2 5¼	540 15 0	10441 13 [illegible]	
Lord George Lenox's — —	467	8368 4 7½	1351 2 5¼	540 15 0	10441 13 4	
Earl of Ross's — — —	467	8368 4 7½	1351 2 5¼	540 15	10441 13 4	
Sir Thomas Spencer Wilson's — —	467	8368 4 7½	1351 2 5	540 15 0	10441 13 4	
Sir David Lindsay's — —	467	8[illegible]68 4 7½	1351 2 [illegible]	540 15	10441 13 4	
General Lambton's — — —	467	8368 4 7½	1351 2 5¼	540 15 0	10441 13 4	
	42[illegible]3					93732 19 6
Officers of the Garrison of Gibraltar, &c. —	—	—	—	—	—	3554 13 4
NEW SOUTH WALES.						
Major Grose's corps — — —	319	4714 7 6	884 2 1[illegible]	447 15 0	—	6134 7 3
Total — —	— 1[illegible]29	[illegible]9956 12 [illegible]	37364 7 11	1[illegible]04[illegible] [illegible] 0		17549 11 0

War Office,
29th January, 1790.

GEORGE YONGE.

An Account of the Number of Ships which have been employed in the Whale Fiſhery to Davis's Streights, and the Greenland Seas, with their Names and Burthens, from whence they were fitted out, and at what Port they were diſcharged, and alſo what quantity of Blubber each Ship imported in the year 1789.

No. of Ships	SHIPS NAMES.	Burthen. Tons.	Burthen. 94 parts of a ton.	Ports from whence they were fitted out.	Ports where they were diſcharged.	Number of whales.	Number of ſeals.	Quantity of Blubber in each Ship. Tons.	Quantity of Blubber in each Ship. Parts of a ton.
1	Adventure —	332		London.	London.	Four	1	43	½
2	Alderney —	270	17	ditto	ditto	ſix	0	65	0
3	Arnold Polly —	340	23	ditto	ditto	three	7	70	0
4	Beaver —	296	9	ditto	ditto	one	0	16	½
5	Betſey —	280	69	ditto	ditto	three	2	60	0
6	Bleſſing —	221	62	ditto	ditto	three	0	25	0
7	Blenheim —	331	13	ditto	ditto	four	5	5	½
8	Britannia —	39[illegible]	92	ditto	ditto	ſeven	1	130	0
9	Butterworth —	390	37	ditto	ditto	eight	3	150	0
10	Chacer —	[illegible]74	78	ditto	ditto	three	2	17	½
11	Dignwall —	321	8	ditto	ditto	two	0	27	½
12	Eagle —	254	49	ditto	ditto	one	1	24	0
13	Fſſex —	307	68	ditto	ditto	two	0	28	0
14	Favorite —	285	41	ditto	ditto	nil	0	0	0
15	Friendſhip Donkin —	189	86	ditto	ditto	nine	900	60	0
16	Friendſhip Starke —	314	9	ditto	ditto	three	10	50	0
17	Free Briton —	301	29	ditto	ditto	three	14	16	½
18	Friends —	251	65	ditto	ditto	one	1	21	0
19	General Boyd —	298	61	ditto	ditto	two	1	35	0
20	General Conway —	311	5	ditto	ditto	two	3	45	0

21	Good Intent	269	92	London.	London.	Four	0	20	0
22	Hannah	322	86	ditto	ditto	feven	0	32	½
23	Hannibal	342	72	ditto	ditto	two	5	27	0
24	Hawke	308	64	ditto	ditto	one	0	10	½
25	John and Hannah	250	24	ditto	ditto	one	2	25	0
26	Leviathan	303	83	ditto	ditto	five	1	75	0
27	Lively	226	20	ditto	ditto	fix	652	80	0
28	London	312	44	ditto	ditto		86	2	0
29	Lion	158	12	ditto	ditto	two	4	37	0
30	Mellifh	347	15	ditto	ditto	four	2	85	0
31	Neptune	300	39	ditto	ditto	fix	0	77	0
32	Oak Hall	256	78	ditto	ditto	fix	80	30	0
33	Otter	[illegible]9	61	ditto	ditto	feven	58	60	0
34	Parnaffus	348	52	ditto	ditto	three	167	55	0
35	Peggy	278	53	ditto	ditto	five	3	87	½
36	Pitt	249	33	ditto	ditto	one	3	20	0
37	Portfmouth	180	78	ditto	ditto	one	0	6	0
38	Prince of Wales	252	50	ditto	ditto	three	63	50	0
39	Rifing Sun	361	73	ditto	ditto	one	31	30	0
40	Sally	398	79	ditto	ditto	two	3	35	½
41	Sallamander	319	46	ditto	ditto	one	0	25	0
42	Sarah	259	54	ditto	ditto	fix	1	50	0
43	Sims	272	29	ditto	ditto	two	2	9	0
44	Simond	336	85	ditto	ditto	four	43	65	0
45	Supply	397	25	ditto	ditto	five	1	105	0
46	Symmetry	335	78	ditto	ditto	four	0	82	0
47	Two Janes	196	16	ditto	ditto	one	10	3	0
48	Vigilant	338	40	ditto	ditto	three	15	70	0

No. of Ships.	SHIPS NAMES.	Burthen. Tons.	Burthen. 94 parts of a ton.	Ports from whence they were fitted out.	Ports where they were discharged.	Number of whales.	Number of seals.	Quantity of blubber in each Ship. Tons.	Quantity of blubber in each Ship. Parts of a ton.
49	Unity - -	280	41	London.	London.	two	0	40	0
50	Unicorn - -	299	65	ditto	ditto	two	3	22	½
51	William and Ann - -	376	83	ditto	ditto	one	1	14	½
52	Young Eagle - -	432	68	ditto	ditto	ten	4	89	0
53	Lymston - -	328	28	Exeter.	Exeter.	two	0	50	0
54	Alliance - -	428	0	Hull.	Hull.	seven	0	130	0
55	Bethiah and Mary -	152	82	ditto	ditto	four	50	24	0
56	Benidiction - -	176	62	ditto	ditto	two	0	20	0
57	Brothers - -	377	49	ditto	ditto	five	0	100	0
58	Castle - -	343	54	ditto	ditto	two	43	43	0
59	Chance - -	278	76	ditto	ditto	one	2	17	0
60	Diana - -	306	28	ditto	ditto	one	40	17	0
61	Eggington - -	303	88	ditto	ditto		2038	24	0
62	Elizabeth (Glen) -	321	89	ditto	ditto	four	2	50	0
63	Elizabeth (Nellis) -	335	0	ditto	ditto	three	2	50	0
64	Enterprize - -	287	39	ditto	ditto	three	300	60	0
65	Endeavour - -	255	39	ditto	Lost.		0	0	0
66	Fanny - -	258	66	ditto	Hull.	eight	1	40	0
67	Friends - - -	244	49	ditto	ditto	two	4	13	0
68	Gainsbro - - -	296	13	ditto	ditto	three	3	45	0
69	Gibraltar - -	306	65	ditto	ditto	two	1450	25	0
70	Hope - -	298	30	ditto	ditto	one	28	2	0
71	John and Mary -	199	67	ditto	ditto	one	167	25	0
72	Manchester - - -	266	74	ditto	ditto	six	250	29	0

73	Minerva - - -	234	84	Hull.	Hull.	one	3	0	¾
74	Molly - - -	290	47	ditto	ditto	one	2	9	0
75	Pallifer - - -	348	41	ditto	ditto	nil	0	0	0
76	Ranger - - -	309	5	ditto	ditto	one	1	16	0
77	Sarah and Elizabeth - -	267	23	ditto	ditto	one	25	20	0
78	Scarthingwell - -	199	47	ditto	ditto	two	230	40	0
79	Samuel - - -	243	82	ditto	ditto	fix	2	50	0
80	Selby - - -	199	72	ditto	ditto	five	760	75	0
81	True Love - - -	195	26	ditto	ditto	four	2	54	0
82	Young Maria - -	161	21	ditto	ditto	nil	0	0	0
83	Chriftopher - -	280	0	Ipfwich.	Ipfwich.	one	1	12	0
84	Ipfwich - - -	311	0	ditto	ditto	one	1	17	0
85	Orwell - - -	346	0	ditto	ditto	two	0	27	¼
86	Amphitrite - - -	219	8	Liverpool.	Liverpool.	two	704	9	0
87	Anfdell - - -	455	0	ditto	Loft.		0	0	0
88	Betfy - - -	305	24	ditto	ditto		0	0	0
89	Brilliant - - -	348	71	ditto	Liverpool.	three	15	48	¾
90	Golden Lion - -	310	44	ditto	ditto	two	0	39	¾
91	Grampus - - -	318	13	ditto	Loft.		0	0	0
92	James - - -	234	47	ditto	Liverpool.	two	1724	44	¾
93	Leviathan - -	277	8	ditto	ditto	two	217	7	0
94	Lion - - -	260	85	ditto	ditto	one	2	31	¾
95	Margaret - - - -	322	28	ditto	ditto	feven	1147	97	¼
96	Peggy - - -	304	51	ditto	ditto		1079	16	½
97	Phillippa - - -	315	0	ditto	Loft.		0	0	0
98	Pilgrim - - -	291	1	ditto	Liverpool.	one	144	21	½
99	Sarah - - -	302	0	ditto	ditto	five	1040	41	½
100	Swan - - - -	402	0	ditto	ditto	fix	40	137	½

Ships.	SHIPS NAMES.	Burthen. Tons.	Burthen. 49 parts of a ton.	Ports from whence they were fitted out	Ports where they were discharged.	Number of whales.	Number of seals.	Quantity of blubber in each Ship. Tons.	Quantity of blubber in each Ship. Parts of a ton.
101	Whale - - -	236	90	Liverpool.	Liverpool.	three	561	55	1/4
102	William - -	410	0	ditto	ditto	fix	0	132	3/4
103	Baleana - - -	299	18	Lynn.	Lynn.	feven	0	56	1/2
104	Eclipfe - - -	299	6	ditto	ditto	two	0	36	1/2
105	Experiment - -	2,6	13	ditto	ditto	one	0	12	0
106	Fountain - -	317	75	ditto	ditto	one	0	11	1/2
107	Broderick - - -	316	29	Newcaftle.	Newcaftle.	feven	0	151	0
108	Defko Bay - -	343	56	ditto	ditto	feven	1	155	0
109	Eclipfe - - -	289	68	ditto	ditto	three	0	80	0
110	Jafon - - -	243	38	ditto	ditto	feven	8	50	0
111	John and Margaret - -	397	45	ditto	ditto	eight	0	176	0
112	Kingfton - -	345	57	ditto	ditto	fix	0	143	0
113	Kitty - - -	351	64	ditto	ditto	feven	0	150	0
114	Matthew and Thomas -	300	48	ditto	ditto	four	0	94	0
115	Myrmidon - - -	192	60	ditto	ditto	one	2	4	0
116	Prifcilla - - -	347	80	ditto	ditto	two	1	38	0
117	Spencer - - -	330	9	ditto	ditto	feven	0	140	0
118	Three Brothers - -	153	14	Scarborough.	Scarborough.	one	2	16	3/4
119	Loyalty - - -	216	70	Stockton.	Stockton.	fix	4	45	0
120	Grampus - - -	233	51	Sunderland.	Sunderland.	five	110	60	0
121	Horn - - -	299	0	ditto	ditto	two	1	43	0
122	Leviathan - - - -	254	0	ditto	ditto	two	7	20	0
123	Sunderland - - - -	197	81	ditto	ditto	two	3	24	0
124	Urania - - - - -	167	48	ditto	ditto	four	1	63	0

125	Precedent - - -	301	0	Whitehaven.	Whitehaven.	ten	820	76	0
126	Thompſon - - -	221	0	ditto	ditto	three	17	50	0
127	Adamant - - -	222	57	Whitby.	Whitby.	one	3	25	0
128	Ann and Elizabeth - -	323	3	ditto	ditto		3	0	0
129	Earl Fauconberg - -	335	16	ditto	ditto	four	46	95	0
130	Freelove - - -	341	38	ditto	ditto	two	1	40	0
131	Friendſhip - - -	399	13	ditto	ditto	nil	0	0	0
132	Harpooner - - -	341	17	ditto	ditto	three	0	71	0
133	Henrietta - - -	251	16	ditto	ditto	three	22	43	½
134	Hope - - -	291	4	ditto	ditto	two	0	44	½
135	Lively - - -	251	72	ditto	ditto	two	0	50	0
136	Marlborough - -	223	11	ditto	ditto	two	480	15	0
137	Martha - - -	180	34	ditto	ditto	ſeven	0	42	0
138	Nautilus - - -	399	23	ditto	ditto	five	0	125	0
139	Proſpect - - -	373	39	ditto	ditto	ſix	0	93	0
140	Reſolution - - -	279	85	ditto	ditto	ſix	0	139	0
141	Two Siſters - - -	399	62	ditto	ditto	one & ½	385	41	0
142	Volunteer - - -	302	61	ditto	ditto	fi‧e	3	47	0
143	Unity - - -	324	28	ditto	ditto	four	0	75	0
144	Whitby - - -	502	89	ditto	ditto	two	160	40	0
145	Blakeney - - -	265	34	Yarmouth.	Yarmouth.	four	3	30	0
146	Hunter - - -	253	33	ditto	ditto	two	24	21	0
147	Norfolk - - -	325	42	ditto	ditto	7 and ¼	2	42	0
148	Tartar - - -	281	15	ditto	ditto	three	21	16	0
149	Trelawney - - -	295	0	ditto	ditto	four	25	16	0
150	William - - -	173	22	ditto	ditto	three	4	37	0
151	Yarmouth - - -	295	90	ditto	ditto	one	7	12	0
		46282	15			481 ¾	16437	6930	½

James Brown, Inſpector.

An Account of what Number of Ships or Vessels from Scotland have been employed in the Whale Fishery to Davis's Streights and the Greenland Seas, with their respective Names and Burthens; from whence they were fitted out, and at what Port discharged; and also what Quantity of Oil or Blubber, or Whale Fins, each Ship has imported, from the 10th October, 1788, to the 10th October, 1789.

No.	Ships Names.	Burthens.	From whence fitted out.	At what Port discharged.	Quantity of Blubber imported.			Quantity of Oil produced from the Blubber.			Quantity of Whale Fins imported.			
		Tons.			Tons	Hhds	Gals.	Tons	Hhds	Gals.	Tons	Cwt.	Qrs.	lbs.
1	Hercules -	234	Aberdeen	Aberdeen	41	0	2½	26	0	0	2	11	0	0
2	Latona - -	236	ditto	ditto	8	1	22	4	0	0	0	12	1	0
3	Robert - -	169	ditto	ditto	0	2	3	0	1	23	0	0	0	0
4	Christian - -	277	ditto	ditto	13	1	27	9	0	0	0	4	0	0
5	Leviathan -	231¼	Borrowstoness	Borrowstoness	48	1	40	44	0	0	4	4	0	21
6	Caledonia - -	398⅔	ditto	ditto	128	1	57	116	2	0	11	17	0	11
7	Ocean - -	305	ditto	ditto	45	3	51	49	0	0	4	13	3	13
8	Peace and Plenty -	273¾	ditto	ditto	15	1	39	19	0	20	0	18	3	12
9	East Lothian -	377	Dunbar	Dunbar	55	1	39	32	2	20	1	11	0	7
10	Lord Hood -	355⅔	ditto	ditto	73	2	44	33	1	58	3	7	0	3½
11	Princess of Wales -	325⅓	ditto	ditto	33	0	12	19	2	26	0	12	2	22½
12	Blessed Endeavour	298⅔	ditto	ditto	25	1	27	14	0	0	0	12	0	10
13	Dundee - -	341½	Dundee	Dundee	0	0	0	0	0	0	0	0	0	0
14	Tay - -	290	ditto	ditto	79	3	52	64	2	0	2	11	0	0

15	Succefs - -	219	ditto	ditto	84	0	54	20	0	0	1	2	0	0
16	Rodney - -	176	ditto	ditto	21	0	12	15	1	21	0	8	0	0
17	Raith - -	$295\frac{1}{5}$	Leith	Leith	54	0	15	30	2	0	1	13	0	0
18	Friendfhip -	$237\frac{1}{2}$	ditto	ditto	23	2	0	16	0	15	0	15	0	22
19	Grampus - -	216	ditto	ditto	8	0	0	5	0	0	0	2	2	0
20	Neptune -	188	ditto	ditto	38	3	42	26	2	41	1	1	3	21
21	Royal Bounty -	$282\frac{1}{5}$	ditto	ditto	0	2	0	0	1	27	0	0	0	0
22	Eliza Swan -	$241\frac{1}{2}$	Montrofe	Montrofe	125	2	57	90	0	29	5	17	2	0
23	George Dempfter -	287	ditto	ditto	96	2	29	68	3	20	4	3	0	0
24	Montrofe - -	$262\frac{1}{4}$	ditto	ditto	77	0	19	57	2	42	3	19	3	0
25	Findlay - -	$334\frac{2}{5}$	Port Glafgow	Port Glafgow	90	0	0	63	0	11	3	8	0	0
26	Paifley - -	$228\frac{1}{5}$	ditto	ditto	20	0	0	17	2	34	0	18	1	0
27	Satisfaction -	$352\frac{1}{4}$	Greenock	Greenock	70	2	0	41	2	0	2	5	2	0
		$7584\frac{7}{10}$			1225	0	$13\frac{1}{3}$	884	3	9	59	9	3	3

N. B. The quantity of oil produced from the blubber imported, is not furnifhed from any official documents, but from the information obtained by the officers from the owners and agents, which information, though prefumed to be accurate, the officers cannot be accountable for.

Cuftom Houfe, Edinburgh,
11th Jan. 1790.

J. H. Cochran.
James Edgar.
David Reid.

THE HISTORY OF THE PROCEEDINGS AND DEBATES Of the SEVENTH SESSION of the HOUSE of LORDS, OF THE Sixteenth Parliament of GREAT BRITAIN.

Thursday, 21st January, 1790.

HIS Majesty went to the House of Peers in the usual state, for the purpose of opening the session; and when he had been robed and seated on the throne, Sir Francis Molyneux, Gentleman Usher of the Black Rod, waited upon the House of Commons, and addressing himself to the Speaker, said, "The King commands this honourable House to attend His Majesty immediately in the House of Peers." The Gentleman Usher of the Black Rod being returned, with the Speaker and many of the Members, His Majesty was pleased to make the following most gracious speech:

"My Lords, and Gentlemen,

"Since I last met you in Parliament, the continuance of "the war on the Continent, and the internal situation of "different parts of Europe, have been productive of events "which have engaged my most serious attention.

"While I see, with a just concern, the interruption of "the tranquillity of other countries, I have at the same time "great satisfaction in being able to acquaint you, that I re-"ceive continued assurances of the good disposition of all

" foreign Powers towards these kingdoms; and I am per-
" suaded that you will entertain with me a deep and grateful
" sense of the favour of Providence in continuing to my sub-
" jects the increasing advantages of peace, and the uninter-
" rupted enjoyment of those invaluable blessings which they
" have so long derived from our excellent constitution.

" Gentlemen of the House of Commons,

" I have given directions that the estimates for the present
" year should be laid before you; and I rely on your readi-
" ness to grant such supplies as the circumstances of the se-
veral branches of the public service may be found to re-
" quire."

" My Lords, and Gentlemen,

" The regulations prescribed by the act of the last session
" of Parliament relative to the corn trade, not having been
" duly carried into effect in several parts of the kingdom,
" there appeared reason to apprehend that such an exportation
" of corn might take place, and such difficulties occur in the
" importation of foreign corn, as would have been produc-
" tive of the most serious inconvenience to my subjects.
" Under these circumstances, it appeared indispensably ne-
" cessary to take immediate measures for preventing the ex-
" portation and facilitating the importation of certain sorts
" of corn; and I therefore, by the advice of my Privy
" Council, issued an order for that purpose, a copy of which
" I have directed to be laid before you.
" I have only further to desire, that you will continue to
" apply yourselves to those objects which may require your
" attention, with the same zeal for the public service which
" has hitherto appeared in all your proceedings, and of which
" the effects have been so happily manifested in the increase
" of the public revenue, the extension of the commerce and
" manufactures of the country, and the general prosperity
" of my people."

When His Majesty had retired, and the Commons were withdrawn from the bar; and when the House was cleared of strangers, and the Peers were unrobed, the patents of the following Lords were read, who took their respective seats, with the usual ceremonies: the Marquis of Bath, and the Marquis of Salisbury; the Earl of Mount Edgecumbe, and the Earl of Fortescue; together with Lord Viscount Hamilton (Earl of Abercorn.)

Lord Kenyon, the Speaker, in the absence of the Lord Chancellor, then produced a copy of His Majesty's speech, which was read by the clerk.

Lord Viscount *Falmouth* next rose, to move the address to His Majesty for his most gracious speech from the throne. His Lordship requested the candid indulgence and attention of the House, while he intruded himself on their notice on the present occasion, in consequence of the favourable impressions made on their minds, by the pleasing and satisfactory communications from the throne. His Lordship then proceeded to animadvert on the different circumstances referred to by His Majesty; discussed the authenticity of the facts reported in the speech from the throne; and emphatically insisted on the manifest propriety that the House should testify the most grateful sense of the various inestimable blessings enjoyed under the mild and benignant reign of our beloved Sovereign. Of the loyalty, zeal, and affection of his subjects, His Majesty had the strongest personal assurances, in the course of his summer tour through a considerable district of the kingdom; and also of the confidence reposed by the people in His Majesty's prudent choice of the present Administration. His Lordship then complimented His Majesty on his generous concern for the interruption of the tranquillity of neighbouring countries. He noticed the patriotic exertions in favour of liberty in France, and remarked on the excellence of the British constitution, which was considered as a model by foreign powers worthy their imitation. Ld. Visc. Falmouth.

His Lordship was lavish in praise of administration for their prudent interference by the order of council, to prohibit the exportation of corn, at a time when an apprehension of the danger of scarcity at home seemed well founded. His Lordship then concluded his observations with moving,

"That His Majesty's most dutiful and loyal subjects, the "Lords spiritual and temporal, in Parliament assembled, do "beg leave to return His Majesty their humble thanks for "his most gracious speech from the throne.

"That they declare that they are sensible of the importance of the events produced by the continuance of the "war on the Continent, and the internal situation of different parts of Europe, which have naturally attracted His "Majesty's most serious attention.

"That they beg leave to assure His Majesty, that, while "they see with a just concern the interruption of the tran-"quillity of other countries, they feel the truest satisfaction "from the assurances which His Majesty has been graci-"ously pleased to give them of the good disposition mani-"fested by all foreign powers towards these kingdoms; and "that they entertain, with His Majesty, a deep and grate-"ful sense of the favour of Providence, in continuing to "these kingdoms the increasing advantages of peace, and "the uninterrupted enjoyment of those invaluable blessings

" which His Majesty's most faithful subjects have so long
" derived from our excellent constitution.

" That they return His Majesty their dutiful thanks for
" the communication which His Majesty has been pleased
" to make to them of the reasons which induced His Ma-
" jesty to take such immediate measures as appeared indis-
" pensably necessary for preventing the exportation and fa-
" cilitating the importation of corn; and for His Majesty's
" gracious condescension in directing to be laid before this
" House a copy of the order, which His Majesty, by the
" advice of his Privy Council, thought proper to issue for
" that purpose.

" That they intreat for the permission to offer to His
" Majesty their humble acknowledgements for the gracious
" approbation which His Majesty is pleased to declare of
" their former conduct; and that they give His Majesty
" the strongest assurances, that, animated by the same zeal
" for the public service which has hitherto directed their
" proceedings, and gratefully acknowledging the happiness
" and security which they experience under His Majesty's
" auspicious government, they will diligently continue
" to apply themselves to those objects which may require
" their attention, and may best contribute to the mainte-
" nance of the public revenue, the extension of the com-
" merce and manufactures of the country, and the general
" prosperity of these kingdoms."

Lord Cathcart.

Lord *Cathcart*, seconding the Address, said,

My Lords, I rise to support the motion which has been made, and introduced with so much ability by the noble Viscount who sits near me.

My Lords, The speech which your Lordships have this day heard from the throne contains, in my mind, the most ample grounds of public congratulation, at the same time that it adds what the noble Viscount has so justly termed fresh marks of that parental care and tenderness for his people, by which the reign of our most Gracious Sovereign has been constantly distinguished.

The contrast between the present situation of this and of some other nations is striking indeed; but that these kingdoms, so recently, and for so long a period, at war with half the world, and without a single ally, should on this day find themselves without a single enemy, assured of the good disposition of all foreign Powers, and in the full enjoyment of the blessings of peace, and of a free constitution with the satisfaction of beholding the improvement of our manufactures, the extension of our commerce, and the encrease of our revenue, are circumstances which cannot fail of exciting in

the breasts of all your Lordships the most lively sentiments of gratitude to providence.

Yet while we acknowledge that the prosperous event of public, as of all other, affairs, can only be ascribed to the favour of providence; we are by no means debarred from allowing to men the tribute of applause due to the merit of wise and well concerted measures.

I have no doubt, my Lords, that when your Lordships take into consideration the papers which His Majesty has been graciously pleased to direct should be laid before you, you will be convinced of the expediency and importance of the steps that have been taken during the late recess, on the subject of the importation and exportation of various sorts of grain; and I am equally confident that your Lordships will not feel the smallest difficulty in assuring His Majesty, that if any considerations could add to that zeal which has uniformly characterized your Parliamentary proceedings, His Majesty's gracious approbation of your late exertions, and wish for their continuance would not fail of producing that effect.

The Duke of Leeds spoke briefly, in justification of His Majesty's servants relative to the order of Council for the prohibiting the exportation of corn.

A Committee was appointed to draw up the address; and having returned, the same was read and agreed to *nemine dissentiente*.

It was then moved, that the said address be presented by the Lords with white staves, and that they should beg leave humbly to know when His Majesty would be pleased to be attended therewith.

The House adjourned.

Friday, 22d January.

The following address of the right honourable the Lords spiritual and temporal, in Parliament assembled, was presented to the King;

Most Gracious Sovereign,

" We, Your Majesty's most dutiful and loyal subjects,
" the Lords spiritual and temporal, in Parliament, beg leave
" to return your Majesty our humble thanks for your most
" gracious speech from the throne.

" We are sensible of the importance of the events produc-
" ed by the continuance of the war on the Continent, and
" the internal situation of different parts of Europe, which
" have naturally attracted your Majesty's most serious
" attention.

" We

"We beg leave to assure your Majesty, that, while we "see with a just concern the interruption of the tranquillity "of other countries, we feel the truest satisfaction from the "assurances your Majesty has been graciously pleased to give "us of the good disposition manifested by all foreign "powers towards these kingdoms; and that we entertain, "with your Majesty, a deep and grateful sense of the "favour of providence, in continuing to these kindoms the "increasing advantages of peace, and the uninterrupted "enjoyment of those invaluable blessings which your "Majesty's most faithful subjects have so long derived from "our excellent constitution.

"We return your Majesty our dutiful thanks for the com- "munication which your Majesty has been pleased to make "to us of the reasons which induced your Majesty to take "such immediate measures as appeared indispensably neces- "sary for preventing the exportation and facilitating the "importation of corn; and for your Majesty's gracious "condescension, in directing to be laid before this House a "copy of the order, which your Majesty, by the advice of "your Privy Council, thought proper to issue for that "purpose.

"Permit us, Sir, to offer to your Majesty our humble "acknowledgements for the gracious approbation which "your Majesty is pleased to declare of our former conduct; "and to give your Majesty the strongest assurances, that, "animated by the same zeal for the public service which has "hitherto directed our proceedings, and gratefully acknow- "ledging the happiness and security which we experience "under your Majesty's auspicious government, we will "diligently continue to apply ourselves to those objects "which may require our attention, and may best contribute "to the maintenance of the public revenue, the extension of "the commerce and manufactures of the country, and the "general prosperity of these kingdoms.

To this His Majesty returned the following most gracious answer.

"My Lords,

"I receive with great pleasure your dutiful and loyal "address,

"The first object of my wishes being the prosperity of my "people, I cannot but express my satisfaction at receiving "such strong assurances of your disposition to apply your at- "tention to those important objects which I have recom- "mended to your consideration."

No material debate occurred until

Monday,

Monday, 19th April.

During a Scotch appeal, in which Sir William Forbes, Bart. and others, freeholders of the county of Aberdeen, were appellants, and Sir John Macpherson, Bart. respondent; and in the course of which it appeared, that the Duke of Gordon, on the 26th of September, 1786, attempted to add twenty-five to the roll of the freeholders for the county of Aberdeen, by parcelling the superiority of lands contained in one charter. It was contended, that the whole of these presumed qualifications were made out by the order, and at the expence of the noble Duke, without any other communication with the grantees, except asking some of them if they would accept of a qualification upon the noble Duke's estate. One of these qualifications was made out in favour of Sir John Macpherson, Bart. then residing at Bengal. At the meeting of the freeholders at Michaelmas, 1788, it was produced, and a claim set up to admit him upon the roll in consequence thereof. Some of the freeholders objected to it at the time, as nominal and fictitious, and framed merely to give him a vote, in defraud of the statute of the seventh of George II. This objection was answered by the Duke of Gordon's agent, as without any foundation, and it was urged that Sir John had absolutely paid the value for it; upon which his name was admitted upon the roll by a majority of the freeholders then present. The appellants then applied to the Court of Sessions, in order that the respondent might confess or deny certain questions proposed. He put in his answer, that the court had no authority to examine him upon those interrogatories, and in which, by their interlocutors, they acquiesced, and dismissed the complaint. From this decision the appeal was made. The counsel having finished their pleadings on both sides,

The *Lord Chancellor*, referring to the cause itself, observed, that it would be highly ridiculous to suppose that the law of Scotland, when it limited the sum which was necessary to form a qualification, intended any man should have as many votes as he had numbers of times the value of that sum; it certainly meant that one man should have one vote, be his circumstances as large as they might; consequently he could not fairly have any influence in elections by parcelling out his estate, while he held the possession of the whole in his own person, and was in receipt of the profits. Much stress had been laid upon the acts of Parliament, which stated, that after a man was four months upon the roll he should be considered as a freeholder, notwithstanding that he might not have taken the oath, and that he should not afterwards be questioned upon it; now, supposing the claim to be set up

Ld. Chancellor.

up during the abſence of the party, and that he did not appear for more than four months, then, according to their account, his title could never be queſtioned at all. In the preſent inſtance, it has been contended that Sir John Macpherſon was upon the roll, and therefore his right to be there could not be inquired into; but, the Chancellor added, that, in his opinion, ſuch was a very erroneous conſtruction of the ſtatute, and Sir John muſt be conſidered, until he had taken what was called the truſt and poſſeſſion oath, as though he was not enrolled at all: and which oath, from the general character of that honourable Baronet, he had no more opinion that he would take it than that he ſhould take it himſelf. Nothing could poſſibly be farther from his intention, than to infringe upon or alter the Scotch law; but how the Court of Seſſions could poſſibly conceive that they had no authority to put the queſtions to the reſpondent, he was at a loſs to conjecture, for they were not to be put upon oath; and therefore the plea ſet up, that his anſwers might tend to convict him of perjury, was abſurd in the extreme. The Chancellor went into a full explanation of the ſtatutes upon the ſubject, from the one in 1681, to the ſixteenth of George the Second, and after expatiating upon them, concluded by obſerving, that he thought it his duty to move their Lordſhips, "that the interlocutor of the Court of "Seſſions be reverſed, and that they have the power, and "ought to put the queſtions propoſed by the appellants."

Lord Kinnaird.

Lord *Kinnaird* remarked, that he regarded the preſent point as being ſo exceedingly important, that, although he knew the noble and learned Lord's talents, he could not forbear endeavouring to perſuade the Houſe to differ from the noble and learned Lord upon this queſtion; as he was certain the reverſal of the decree would create more animoſity, more confuſion, and more litigation, than it was almoſt poſſible to conceive; for it went in fact to overturn what was conſidered the real law of Scotland. Many deciſions in that Houſe warranted them in this concluſion; and therefore, he truſted, that they would not, by agreeing with the noble and learned Lord, make them now ſuppoſe that their law was uncertain and unſettled. To ſupport this part of his argument, Lord Kinnaird went through the caſes to which he alluded. It was not, he obſerved, for the Houſe now to ſay whether the policy of the laws relating to this queſtion were good or bad; they were to abide by them, and decide accordingly. Thoſe laws, clearly and explicitly, as he underſtood them, decided in favour of the opinion of the Court of Seſſions—if a man were admitted upon the roll, and afterwards took the oath, it was impoſſible to inquire into his right, or object againſt his vote. He did not mean to ſay a

word

word in defence of the practice—it might want a remedy; but then that remedy must proceed from an act of the Legislature, and not from a Judicial Court. Taking the confusion which would inevitably follow their agreeing with the noble and learned Lord's motion into consideration, the discussions which had before occurred, and the fair construction of the law upon the subject, would, he trusted, incline the House not to suffer the decree of the Court of Session.

Lord Loughborough. Lord *Loughborough* went through the whole of the cases to which he had alluded, pointed out the difference between them and the one in question, and why the reversal of the present decree could not interfere with them, or be construed into a deviation from the principles ever considered as contained in the statutes respecting the qualification necessary to entitle a man to vote for Members of Parliament in Scotland. He perfectly agreed with the Lord Chancellor upon the principles which he had laid down, and complimented him upon the able manner in which he had argued, and the attention which he had paid the subject. He treated the fears of the other noble Lord as never likely to take place, and the mischiefs alluded to as merely chimerical; and, after dwelling upon, what he termed, the absurdity of suffering a man to remain upon the roll because his name had been put on during his absence, and consequently he could not at the time be questioned, and that if he was hardy enough to take the oath even in the face of a back bond, he should remain in free and full possession of the franchises of a freeholder. He declared that he should give his hearty approbation to the motion made by the noble and learned Lord.

The question was then put upon the Lord Chancellor's motion, and the decree ordered to be reversed.

The House adjourned.

We have no important particulars to present our readers with, from this period until

Wednesday, 5th May.

The Duke of Leeds presented from His Majesty the following message:

"George R.

"His Majesty has received information, that two vessels "belonging to His Majesty's subjects, and navigated under "the British flag, and two others, of which the description "is not hitherto sufficiently ascertained, have been captured "at Nootka Sound, on the north-western coast of America, "by an officer commanding two Spanish ships of war; that "the cargoes of the British vessels have been seized, and that

"their officers and crews have been sent as prisoners to a
"Spanish port.

"The capture of one of these vessels had before been notified by the Ambassador of his Catholic Majesty, by order of his Court, who at the same time desired that measures might be taken for preventing His Majesty's subjects from frequenting those coasts, which were alledged to have been previously occupied and frequented by the subjects of Spain. Complaints were also made of the fisheries carried on by His Majesty's subjects in the seas adjoining to the Spanish Continent, as being contrary to the rights of the Crown of Spain. In consequence of this communication, a demand was immediately made, by His Majesty's order, for adequate satisfaction, and for the restitution of the vessel, previous to any other discussion.

"By the answer from the Court of Spain it appears, that this vessel and her crew had been set at liberty by the Viceroy of Mexico; but this is represented to have been done by him on the supposition that nothing but the ignorance of the rights of Spain, encouraged the individuals of other nations to come to those coasts for the purpose of making establishments, or carrying on trade, and in conformity to his previous instructions, requiring him to shew all possible regard to the British nation.

"No satisfaction is made, or offered, and a direct claim is asserted by the Court of Spain to the exclusive rights of sovereignty, navigation, and commerce, in the territories, coasts, and seas, in that part of the world.

"His Majesty has now directed his Minister at Madrid to make a fresh representation on this subject, and to claim such full and adequate satisfaction as the nature of the case evidently requires. And, under these circumstances, His Majesty, having also received information that considerable armaments are carrying on in the ports of Spain, has judged it indispensably necessary to give orders for making such preparations as may put it in His Majesty's power to act with vigor and effect in support of the honour of his crown, and the interests of his people. And His Majesty recommends it to his faithful Commons, on whose zeal and public spirit he has the most perfect reliance, to enable him to take such measures, and to make such augmentation of his forces, as may be eventually necessary for this purpose.

"It is His Majesty's earnest wish, that the justice of His Majesty's demands may ensure, from the wisdom and equity of his Catholic Majesty, the satisfaction which is so unquestionably due; and that this affair may be terminated in such a manner as to prevent any grounds of misunder-

"standing in future, and to continue and confirm that harmony and friendship which has so happily subsisted between the two courts, and which His Majesty will always endeavour to maintain and improve, by all such means as are consistent with the dignity of His Majesty's Crown, and the essential interests of his subjects." G. R.

Ordered, that His Majesty's said most gracious message be taken into consideration upon the morrow, and that the House be summoned.

The House adjourned.

Thursday, 6th May.

The order of the day was moved for summoning their Lordships to take His Majesty's message into consideration.

The message having been read by the clerk,

Duke of Leeds.

The Duke of *Leeds* observed that he could venture to declare that the whole House was perfectly convinced that, during the course of a long reign, His Majesty had been no less attentive to the interests of his own people, than to the general tranquillity of Europe. His Majesty, on every occasion, had not only abstained from committing any outrage or depredation on the territories of other powers, but had uniformly endeavoured, by his intervention, to reconcile the animosities of every nation. The contents of the message were highly important; for, the consequences, to which they might lead, involved the rights of the people, as connected with their commerce, as well as the dignity and honour of the crown. It had unfortunately happened, that an outrage of a very serious nature had been committed by an officer, acting under the authority of the King of Spain, upon vessels, the property of British subjects, and navigated under the protection of the British flag. The vessels had not only been captured, and their crews made prisoners, but their cargoes had been confiscated, without even the formalities of a judicial proceeding; a formality which, in case of prize, had always been observed among civilized nations, even in the time of mutual war. It was true (he admitted) the two vessels had been released, upon an application from the British Minister to the Viceroy of Mexico, on the extraordinary pretence, that the English were ignorant of the Sovereignty of Spain on those seas, and its right to an exclusive trade on the coast; but, if such an extraordinary claim were once admitted, he did not know where it might end. Not only their trade, but the valuable fishery which this country had established there, would either be at the disposal of the Court of Spain, or, what was still more humiliating, would depend on the clemency of a Spanish officer!

officer! It was impossible that such an idea could be tolerated. But, notwithstanding the enormity of the aggression, His Majesty was more desirous of seeking justice, than gratifying resentment; and he anxiously hoped that he should obtain redress, without the necessity of being obliged to resort to arms. The Duke concluded with moving,

"That an humble Address be presented to His Majesty, "thanking him for his gracious message, acquainting this "House of those circumstances relative to the capture of "British vessels on the North-western Coast of America, "and to the conduct of the Court of Spain on this occasion, which have induced His Majesty to give orders for "making such preparations as may put it in His Majesty's "power to act with vigour and effect in support of the honour of His Majesty's Crown, and of the interests of his "people; and to assure His Majesty, that we shall readily "proceed to enable His Majesty to take such measures, and "to make such augmentation of His Majesty's forces, as "may eventually be necessary on this occasion.

"That we trust that the justice of His Majesty's demands will ensure, from the wisdom and equity of his "Catholic Majesty, the satisfaction which is so unquestionably due to His Majesty; and that we shall sincerely rejoice in such a termination of the discussions now depending, as may prevent any grounds of misunderstanding in "future, and may continue and confirm that harmony and "friendship which has happily subsisted between Great Britain and Spain; but that we, at the same time, feel it our "indispensable duty to assure His Majesty of the determination of this House to afford His Majesty the most "zealous and effectual support in such measures as may "become requisite for maintaining the dignity of His Majesty's Crown, and the essential interests of His Majesty's "dominions."

Lord Rawdon.

Lord *Rawdon* seconding the motion, remarked that no man lamented more than he did the interruption of that tranquillity which, in every point of view, was so desirable; but, he trusted, that he should never see the day when this country, forgetting its honour and dignity, could tamely submit to such a gross violation of the first principles of national justice as that communicated to the House by His Majesty's most gracious message. For his own part, he cordially would support the motion for the Address; but though he was far from imputing any blame to the noble Duke, he was of opinion that His Majesty's Ministers ought to have made a more ample communication of the circumstances which had given rise to the important subject under their consideration, than they had done. With that view

he

he had two motions to propose to their Lordships' consideration; the first was, "That the proper officer be directed "to lay before the House a statement of the trade on the "coast, and of the whale fishery carried on in those seas, "the extent of which he thought it was very necessary to "know."—And the second, "That an humble Address be "presented to His Majesty that he would be graciously "pleased to order such communications as had been received "respecting the capture of the vessels to be laid before the "House, and also the information which had from time to "time been given relative to the armaments which were "said to be carrying on in the ports of Spain." The object which he had in view, was to give the House the fullest information which the subject required; and he flattered himself, as it could not affect the issue of any pending negotiation, that it would not be opposed.

Lord Viscount *Stormont* observed that, the communication contained in the message was, to him a matter of painful surprise. He had indulged the pleasing expectation of a long continuance of the public tranquillity; he had hoped that we might have profited by the advantages of our relative situation; he had seen, with much complacency, that we were gradually rising in the general scale of the nations of Europe, and that, from our commendable spirit of industry, we had derived new sources of wealth. All these hopes he had indulged from the information of His Majesty's principal Minister of finance in another Assembly, on the occasion of his bringing forward the statement of the national income and expenditure. The right honourable gentleman, to whom he alluded, had then holden out to the country the expectation of uninterrupted peace; he had painted, in the brightest colours of the most splendid eloquence, the advantages of our situation, when compared with the other nations of Europe; and had asserted, that, in no period of our history, could we more sanguinely entertain the pleasing hope of permanent tranquillity. All this had been confidently asserted no longer than a fortnight ago! Perhaps, it might be political wisdom not prematurely to reveal the danger which threatened the country; but, in his poor opinion, it was a singular kind of political refinement (not to call it by a harsher term), which could induce the King's Ministers to hold out a prospect of peace to the nation, at the very eve of a war; to give us the hope of halcyon days, at the moment when the storm was not only gathering, but was actually formed! What he had stated was the more extraordinary, as it must have happened subsequent to the conversation with the Spanish Minister, when the circumstances were nearly the same as at the present moment. The con- Ld. Visc. Stormont.

duct

duct of administration was, surely, censurable in suffering Spain to keep up such large armaments in time of peace, under pretence of the Court of Madrid not being a party to the negotiation with the Court of Versailles at the conclusion of the peace. Had it not been for the Revolution of the French Government at this time, we should, from such culpable neglect, have felt the whole force of the Family Compact; of which, however, he trusted we were in no danger at present. No man respected more than he did all communications from the Crown; and he admitted, that the wild and extravagant pretensions of Spain could not be justified in the eyes of reason; yet, perhaps, we might have obtained the object we desired more easily by the dexterity of secret negotiation, than the threats of compulsion.—Men were often more tenacious when their pride, than when their interests were concerned, and it had been said, that such was the peculiar character of a Spaniard. In his opinion, something ought to have been sacrificed to national ideas, and some respect might have been paid to the Pope's Bull, which gave to Spain the sovereignty of territories and possessions already discovered, as well as those not discovered.—A right of possession, however, of which the Viceroy of Mexico justly concluded our English sailors were ignorant, existed in the idea of the Spaniards, and upon that ground he had released them from captivity.—

As to the impolicy of ceding the Mosquito Shore to Spain, he perfectly agreed with the noble Lord (Rawdon). He should, also, beg leave to urge the necessity of a more ample communication to the House of the circumstances which had given rise to the present dispute; but, as an insult had been offered, it became necessary that reparation should be obtained; and he hoped that the vote of that day would convince the world, that, in every case where the interests of the people, and the honour and dignity of the British Crown were invaded, the nation had but one heart, one sentiment, one voice. Under these ideas, he trusted, nay, he was confident, that the House would meet the motion of the noble Duke with their most cordial and unanimous concurrence.

Lord Hawkesbury. Lord *Hawkesbury* said that, with regard to the motions proposed by the noble Lord, he had considerable doubts whether they could, with propriety, be complied with. In the first place, there was trade carried on between Great Britain and the North-west coast of America; and with respect to the motion for laying the papers before the House on the subject of the capture of the vessels, and the information received relative to the armaments carrying on in the ports of Spain, he thought it highly improper while a

negotiation

negotiation was pending. As to what the noble Viscount had mentioned of assurances of peace having been given in another place, it was obvious that these points could not fall properly under discussion.

Earl of *Carlisle* rose to support the motions of Lord Rawdon; when the Chancellor reminded the House, that there could be no motion before them till the original question was disposed of. Earl of Carlisle.

He then read the motion for the Address, which was carried unanimously.

A Committee was appointed to prepare it; and the Lords with white staves were ordered to present the same.

Some conversation then took place on the motions of Lord Rawdon, for a statement of the trade and fishery carried on, and on the production of papers relative to the capture of the vessels, with the accounts of the armaments in the ports of Spain.

On the question being put on each, the first motion was carried with a verbal amendment proposed by Lord Hawkesbury.

The motion for the production of the accounts and papers were negatived without a division, and the House immediately adjourned.

Friday, 7th May.

The Lords waited upon the King with an address.

Vide Commons' Debates, vol. 27, p. 566, 576.

No material debate occurred until

Monday, May 17.

The Duke of Leeds presented the following message from His Majesty:

GEORGE R.

" His Majesty being desirous of conferring a special mark " of his favour on the reverend Doctor Willis, by granting " him a pension of one thousand pounds a year net for " twenty-one years, but not having the means of rendering " such grant effectual without the assistance of Parliament, " recommends it to the House of Lords to consider of a " proper method of enabling His Majesty to settle such a " pension, for the term proposed, in the most effectual man- " ner on the said Doctor Willis, his heirs, or assigns.

" G. R."

Ordered,

" That this House do upon the morrow, take His Ma- " jesty's said most gracious message into consideration."

The

The order of the day being read for the House to be summoned,

Lord Hay. Lord *Hay* (Earl of Kinnoul) moved, that His Majesty's message, relative to the disputes with Spain might be read,

The same having being read by the clerk at the table,

Lord Hay observed that he flattered himself that no apology could be necessary for the remarks with which he should beg leave to introduce his intended motion, when it was considered how much it behoved every Member of the British Legislature, at a moment when the country was upon the eve of a war, to call for such information as he might deem necessary to elucidate the conduct of Administration. For his own part, he should not hesitate to declare that he strongly suspected the Minister of having, for purposes best known to himself, kept back, for a considerable time, the information given to the House by His Majesty's message. He suspected administration also, of having neglected a timely preparation proportioned to the armaments of Spain, and thereby induced that country to commit the insult on the British flag which had been complained of. He condemned His Majesty's servants for having deluded the country by holding out a prospect of permanent peace, when they must have known of the probable grounds of an approaching war. He judged it proper, therefore, to move for the date of the first official information received; he wished not to move for any paper that could be objected to on the grounds of state secrecy; but the substance of the information given by the remonstrance of the Spanish Ambassador had been stated in His Majesty's message; he desired to have the date of the receipt of that information, which could, in no ways prove injurious to the interests of the country, and which, if refused, would neither be candid to the House, nor honourable to the Minister. In conclusion Lord Hay moved for

"An humble Address to his Majesty, that he would be "graciously pleased to order to be laid before the House, the "date of the receipt of the remonstrance presented by the "Spanish Ambassador to His Majesty's Ministers, by order "of his Court."

Lord Walsingham. Lord *Walsingham* rose, and said, that the motion of the noble Lord could not be agreed to, unless the House departed from a rule which they had invariably and wisely observed; that of never suffering papers to be produced relative to a negociation with a foreign power, pending such a negociation, they could not possibly agree to the present motion. He declared, that he had not heard a single reason assigned for the production of the information moved for; it could be attended with no good consequence, but might introduce bad consequences, as it would establish a dangerous precedent.

The

Lord *Portchester* wished for the date of the Communication, for the purpose of obtaining parliamentary ground for a parliamentary censure of the Minister, whose conduct he suspected in the strongest manner. He was convinced in his own mind, that the King's servants knew of the insult offered by Spain prior to the opening of the budget. He animadverted on the conduct of the Minister in his concealment, which he declared he could not but view in the most criminal and disgraceful light. He was ready to admit that administration either did, or did not know, prior to the statement of the finances of the country, that Spain had not only been, for a long time, making the most formidable preparations, but had actually attacked and insulted the British flag: if they did not know the fact, their ignorance was a high crime; if they did know it, their deceit was a still greater. He desired any noble Lord, or the most acute man living, to shew the danger of giving the information moved for; by its being made known to France, it could not extricate her from her difficulties, and enable her to support the family compact; nor would its being made known to Turkey, to Russia, or to the House of Austria, induce them to alter their military arrangements. He saw no other reason for refusing the date, than the consciousness of detection by its production. He concluded with charging the Administration with a neglect of duty in having no Minister at Spain, and a corrupt waste of the public money, in making a sinecure of the Spanish Embassy. Lord Portchester.

Lord *Sydney* said, that he should not have arisen, but that the noble Lord, who spoke last, had alluded to expressions used in another House of Parliament, which certainly was a very irregular and unparliamentary ground of objection. For his own part, he thought the motion by no means founded. Lord Sydney.

The Earl of *Carlisle* begged leave to remind the noble Viscount (Sydney) who had just objected against allusions to what might have passed in another place, that he had not in the least opposed a motion brought forward by the Lord President of the Council during the discussion of the Regency, which was not founded in words spoken by a Minister, but by an individual, (Mr. Fox) and which had caused a debate of many hours. The Earl of Carlisle supported the motion, and declared that he could not avoid observing on the silence of his Majesty's Ministers, which was not a dignified silence, but a silence like that, of which certain persons in a certain Court would be glad to avail themselves, had not the law construed their silence into a full confession of guilt. It was, he believed, a silence that His Majesty's Ministers resorted to as a cover to their indiscretion, and a cloak to their Earl of Carlisle.

criminality. He would venture a prophecy, that the present dispute would be terminated without a war, but that it would be terminated in a manner far short of all that concession demanded in the latter part of the message, which was wound up with empty boastings.

Lord Stormont. Lord *Stormont* said, that he considered himself as free to assert that when the noble Viscount (Sydney) took the incidental observation of a noble Lord, as the main ground of support of the motion, his conduct was neither parliamentary nor warrantable. They were agreed as to the premises of the argument, but differed as to the conclusion. Certainly there were political situations, respecting which he knew that Ministers might preserve a perfect silence in discharge of a painful duty, and rather expose themselves and their measures to misconstruction and censure, than risque the safety of the country; but how could the conclusion now insisted on be drawn from such premises? The important facts in question were all made known to the House through the medium of His Majesty's message: where then could be the danger of disclosing the date of their communication?

The question was at length put, and their Lordships dividing, there appeared for the motion,

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The House adjourned.

Tuesday, 18th May.

Previous to their Lordships proceeding to Westminster Hall,

Earl of Abingdon. The Earl of Abingdon said that he rose to trouble their Lordships with a few words on a subject that had some relation to himself.

The case was this:—

Thomas Stapleton, Esq. of Carleton, in the county of York, conceiving that he had a claim to the Barony of Beaumont now in abeyance, preferred a petition to His Majesty, stating his claim and pedigree, and praying to have the said Barony allowed of and confirmed to him.

This petition His Majesty was graciously pleased to refer to the Attorney General for his report thereupon, and the Attorney General having made his report, His Majesty had since been further graciously pleased to refer the petition and the report to their Lordships, for the consideration of their Committee of Privileges.

The

That thus stood the case at present in its outline. But in looking into these papers, it appeared that Mr. Stapleton, in making out his pedigree, had so stated it, as to induce the Attorney General in his report to set up another claim in opposition to that of Mr. Stapleton's, with the reservation of a question for the decision of their Lordships, and this claim it seems, is said by the Attorney General, to vest in him, the Earl of Abingdon.

His Lordship then said, that to this Barony, which is said to be in fee, he did not find there was any estate in fee annexed, which was, he supposed, the reason that none of his ancestors had thought fit to put in their claim to it, and perhaps indeed for the further reason, that enjoying a greater title, in which the lesser is necessarily included, it was of so much the less consequence to them.

With respect to himself, it was of no consequence to him. Mere empty titles he considered as mere empty words, and he thanked God, that he could look up even to still higher dignities, with a philosophic eye.

Nobilitas sola est atque unica virtus.

And yet, coming upon him as this Barony did, unlooked for on his part, unsought after by him, and at the same time staring him as it did in the face with a title so apparently superior to the person who claimed it, it would seem he ought not to shut his eyes against it. Although he could answer for himself, he could not answer for the dispositions of those who were to be his successors. It may be of more consideration to them than it was to him, and it was not fitting that by any act of omission in him he should cut off others from, and deprive them of their claims.

There was another reason too that had much weight and influence with him, and it was this, that his claim was in the Protestant line, and that of Mr. Stapelton's in the Popish line, out of which, for reasons of State, he would wish to remove it.

It was therefore not having had any knowledge of the transaction till within a few days past, when the printed case was put into his hands, that he was now to request their Lordships, that the consideration of the business might be postponed until he could be advised in what manner he was to lay in his claim to the Barony, and so to bring himself before their Lordships, as to obtain that decision which the justice of the case seemed to call for and to admit.

Motion—"That the consideration of this petition be postponed to this day three months.

Which motion was put, and carried in the affirmative.

Thursday, 27th May.

The following message was brought by Pole Carew, Esq. from the Commons:

"My Lords,

"The Commons being at all times desirous of maintaining a good correspondence with your Lordships, have desired a conference to communicate to your Lordships the reasons which have induced the Commons to disagree to the amendments proposed by your Lordships to the bill intitled, "An act for enlarging and better regulating the gaol for the county of Warwick." The Messenger withdrew, and the usual form being settled for a conference, a message was sent to the Commons for that purpose, and in a very short time the Managers for the Commons returned, and were met in the Painted Chamber by the Lords. The honourable F. Montagu then delivered in the reasons with the bill;—The reasons being read at the table, were upon motion ordered to be taken into consideration upon the ensuing Monday.

The House adjourned.

No material debate occurred until

Monday, 31st May.

The House being in a Committee on the lottery bill,

Lord Loughborough.

Lord *Loughborough* moved four several amendments: one relative to the clause enacting that all persons forgoing or uttering counterfeit tickets, or orders for payment of prizes, should be guilty of a capital felony; another relative to the clause for dividing tickets into aliquot parts, which, as the clause stood, were termed halves, fourths, eighths, and sixteenths; a third relative to the hawking and distributing any hand-bills of schemes, &c. and a fourth relative to the proceeding to apprehend offenders against the act by capias. Lord Loughborough proposed to insert the word "knowingly" in the first instance, to leave out the preamble of the clause in the second, to omit the word "hawking" in the third, and to introduce the words, "affidavit of the same having been "first filed, so as reference may be had thereto," in the fourth.

He explained the grounds of his moving these amendments, and gave a very correct history of the conduct of the Legislature in respect to lottery acts from the year 1772 to the present day, shewing the advantage which interested informers had taken of the regulations contained in those acts from time to time, and tracing their operations regularly throughout the period.

Duke of Richmond.

The Duke of *Richmond* declared himself unprepared to combat the noble and learned Lord's objections to the bill as

it stood, or to resist his proposed amendments; he therefore gave way to them for the present day, reserving to himself the right to object to them on the report, if, upon better information, they should be found to be improper, or likely to prove fatal to the bill.

The bill was committed for the ensuing Tuesday.

The order of the day for the further consideration of the tobacco duties amendment bill having been read, and Mr. Douglass having summed up the evidence, the bill was read a second time, and, on the motion, "that the bill be committed,"

Earl *Fitzwilliam* knew not whether it would be proper for him to state what he had to say on the bill then, or to defer it till the evidence, which had been ordered to be printed, should be laid on the table. Earl Fitzwilliam.

The Duke of *Leeds* answered, that if the noble Earl thought it essentially necessary that the printed evidence should be in their Lordships' possession, previous to any discussion of the bill, he would not press the question of commitment at present, but he should scarcely conceive that it was absolutely necessary to wait for it. Duke of Leeds.

Earl *Fitzwilliam* replied that he would give no opinion of his own on the subject, but be governed by the House. Earl Fitzwilliam.

No Lord rising to speak upon the noble Earl's question, and some of the Peers near his Lordships saying "proceed;"

Earl Fitzwilliam rose, and stated that the tobacco bill of the last year differed in one essential feature from all other Excise laws, as it had been obviously the intention of the original framers of that bill, that it should resemble the law of Excise in every instance, but in consequence of the evidence then brought forward by the manufacturers, that part of the plan of Excise practice which subjected the manufacturer of the article put under the Excise laws to the visitation of the officer, and which gave the officer authority to take stock at all times, was abandoned, and the period while the article was in a state of manufacture, was exempted from the view and interference of the officer. In fact it was a custom-duty that formed the principle of taxing tobacco, the duty being collected at its import chiefly. He remarked upon the danger which the country risqued of losing the manufacture by driving the manufacturers abroad, and referred to the evidence of Mr. Baker, the tobacco engine maker, who had proved at the bar, that he had lately made fifty engines for persons living on that part of the Continent, nearest to the coast of this kingdom; he contended that it had been made out beyond the power of refutation, that tobacco was not an article to which the Excise laws could be applied with any probable advantage to the revenue, and that the revenue had

been

been by no means benefited by the experiment of putting the article of tobacco under the Excise. He reasoned on both these positions, and said, that the effect of the act of last year had been such, that a manufacturer who used to have orders for 5000 pounds of tobacco yearly, had this year received orders for no more than 1000lb. The Earl concluded with moving, "That it be an instruction to the Committee, that "a clause or clauses be introduced in the bill, for the purpose "of relieving the manufacture of tobacco and snuff from the "survey of the Excise."

Duke of Richmond

The Duke of *Richmond* said, they were all agreed that tobacco and snuff were fair objects of revenue, and that the application of the excise laws was admitted to be the most effectual means of securing the revenue, in all cases where they could practicably be applied to the article in question. The present was a remedial bill, professedly calculated to relieve the manufacturer from the severities and inconveniencies that he was subject to under the operation of the bill of last year; as such, he, who had thought that bill liable to objection, must vote for it; and therefore he thought it right, as the present was only a temporary bill, to let the effect of it be fairly tried for a twelvemonth, before so very essential an alteration was adopted, as that proposed by the noble Earl, which went the length of undoing the whole principle of the bill of last year. The Duke observed, that expectations had been entertained by those who drew the act of last year, that the revenue would be very considerably increased by its operation, and it was true, that their Lordships had heard assertions to the contrary at their bar; it seemed but fair therefore that both the expectations on the one hand, and the assertions on the other, should have a proper trial, which was an additional reason for not adopting such an alteration as had been proposed, till another session of Parliament. He reminded their Lordships, that last year they had heard a great deal of the danger of the manufacturers secrets of trade being likely to be exposed, and the manufacture lost to the country. He had not heard that any such consequences had followed, and as it might happen that the country might be forced into a war, that was surely a very unfit moment to take any measure likely to injure the revenue, or weaken the security of its collection.

Lord Stormont.

Lord *Stormont* said that he should consider the voluminous bill of the last session and the present bill as one and the same proceeding, and treat them accordingly. He was content to give the bill of the last session the mild epithet he had applied to it, although he had formerly called it a heap of inconsistencies, and a medley and farrago of absurdities and contradic-

contradictions; but it was to be recollected, the bill had not at that time received their Lordships sanction. Having premised this, he proceeded to state, that differing, as he did, in many points with the noble Duke, he declared he was glad to close with him on any one; he was therefore happy to say that he agreed that tobacco and snuff were fit objects of taxation, being clearly superfluities, and not necessaries of life. Farther he could not go in concurrence with the noble Duke's argument, and though he wished to convince their Lordships that he had substantial reasons for the difference of opinion he entertained on the subject, he declared that he would neither use nor abuse the right he had to go into the question at large, and tire their Lordships with the great variety of arguments that might be urged on the occasion. He next commented on the evidence of the witnesses at some length, and spoke of the table of average allowances for increases, maintaining, that although an average table was applicable to profit and loss, it was by no means applicable to penalties. It had been clearly made out, that it was not in the power of the manufacturer of tobacco to foresee or to prevent these increases, and therefore to subject him to a penalty for them, was to punish him for what was a mere physical affect, which he could neither foresee nor guard against. He referred their Lordships to the testimony of one of the witnesses, who had declared upon his oath, that he had incurred penalties to the amount of 600l. since the act passed, owing to the moisture of the atmosphere, which it was impossible for him to prevent, and that the Excise Board were so conscious of the fact, that they had remitted the whole. He mentioned the house of Sales and Pollard as having paid a third of the whole duties on tobacco collected for a number of years past, and appealed to their Lordships candour, whether such men were fit to be selected as the objects of onerous and oppressive excise laws? He commented on the clause relative to the liquoring tobacco for the sake of converting it into snuff, which limited the manufacturer to laying down not less than 200 lb. although they had frequently laid down no more than five pounds at a time, and preposterous as the comparison might appear, it was like obliging a person, if he made any soup, to make not less than a barrel at a time. He declared, that as the law stood, it was in the power of the fraudulent manufacturer to deceive the officer, from time to time, by pretending that so much of his stock was in a state of manufacture, during which time the officer was not to interfere with it. After asserting that the act of the last session, like the laws of Draco, was written in blood, instead of being drawn with mercy, he contended that the present bill by no means answered

answered the promise given the House last year, while they were in the dog days nodding over the tobacco bill then under their consideration, that effectual relief should be afforded the manufacturers this session.

Marq. Townshend. The Marquis *Townshend* said, that, without considering who was Minister or who was likely to be Minister, at such a moment as the present he should think it his duty to support the Bill as it stood. If there were time for rendering the Bill of last session more perfect and amending it so as to make it less irksome to the manufacturers of tobacco, he should have been glad that an endeavour might have been made to that effect, but while they were considering the case of the manufacturers, he wished to call their Lordships' attention to the case of that useful description of men, the labouring poor throughout the kingdom, overwhelmed as they were with taxes, and scarcely able to purchase the necessaries of life. There were several cottagers within the neighbourhood of his residence in Norfolk, who not having it in their power to buy malt to make beer for their families, were obliged to drink dirty water. It was, therefore, the labouring and hard-working poor who were more entitled to the consideration of their Lordships than the rising manufacturers. Any obstacle thrown in the way of the Tobacco Act, he could not but consider as an injury to the revenue, and an embarrassment to Government, and to such a measure, when, perhaps we were on the eve of a war, he thought it his duty to object.

The question having been put by the Lord Chancellor, the House divided,

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The Bill was then ordered to be committed.

The House adjourned.

Thursday, 3d June.

As soon as the Lords were met, and prayers over,

Lord Rawdon. Lord *Rawdon* rose to speak to a subject, which (he said) he could not but consider of the greatest importance to their Lordships, and which, he doubted not, would attract their most serious attention. He was a military man, and a fellow-feeling for the character of military men, was, he declared, his reason for standing forward upon the present occasion. He had been informed of a circumstance which had that day occurred, disgraceful to the character of a soldier. A noble Lord (Lord Hawkesbury) on his way to the House,

House, had been insulted in his carriage, by some of the guards stationed in Palace-yard, in the most gross and wanton manner. It was his sincere wish, that the noble Lord would state the case more fully to their Lordships, and by a complaint of the outrage, claim the privilege to which he was entitled.

Lord *Hawkesbury* observed that, as he felt an earnest desire not to say any thing which might have a tendency to aggravate the case, which had given him much displeasure, he would shortly state to their Lordships the plain and simple facts. He, then, informed the House, that, as he was coming down Parliament-street, he saw immediately before his carriage a loaded cart, which was permitted to pass without interruption; but, upon his carriage coming up, the guards stopped it, and commanded the coachman peremptorily to return; his Lordship immediately informed the guard of his name and character, and that he was going to the House of Peers; in reply to this information he received the most insulting language, and was treated with the most outrageous behaviour, the soldiers striking his horses and his servants, and threatening to proceed to the extremity of violence if they did not immediately return; his servants acting in their own defence, a scuffle ensued between them and the guards, in which many blows were given; the carriage was not however permitted to pass. Lord Hawkesbury added that he would offer no motion on the circumstances which he had related; he merely wished their Lordships to consider what might be the consequences of suffering such an insult to pass unnoticed, and he should be glad to hear the sentiments of the noble and learned Lord on the woolsack on the occasion. Lord Hawkesbury.

The *Lord Chancellor* declared that the case was of the utmost importance, and it was incumbent upon their Lordships to take it up in the most serious manner, and to proceed by proper and regular means to support and maintain their dignity. The most regular way, and that which appeared to him the most consonant to strict justice, was to make an enquiry of the Secretary at War in order to be acquainted with the names of the officers on duty, and afterwards to enquire into the orders given by them to the soldiers. The Lord Chancellor declared that he would take upon himself the enquiry, and would report the result thereof to the two noble Lords who had brought the business before the House; the conduct of the guards might by those means be compared with their orders, and their Lordships would then act as the circumstances of the case might require. Lord Chancellor.

Lord *Cathcart* said, that, on occasions like the present, the civil power was obliged to be aided by the military to Lord Cathcart.

keep the peace; if any excesses had been committed, it was most likely they had been committed by the intemperance of the men, without the sanction or knowledge of their officers, who, probably, were not to blame.

Lord Chancellor. The *Lord Chancellor* contended, that for an insult like the present, offered to a member of that House, no plea whatever could be received as an excuse. Their Lordships must, in justice to themselves, enter into the most serious enquiry and proceedings on the subject.

The order of the day having been read for taking into consideration the reasons of the House of Commons for requesting their Lordships to abandon their amendments in the Warwick Gaol bill,

Lord Chancellor. The *Lord Chancellor* stated reasons, why the House could not, in his opinion, with any sort of consistency, comply with the requisitions of the House of Commons. He commented upon the distinctions taken by those who drew the present bill, and remarked, that the reasons assigned by the House of Commons concluded with something like a menace, as they ended with stating, that if their Lordships did not think proper to comply with their requisitions, the bill must be lost. In answer to this, he observed, that the whole of the present bill was, in fact, unnecessary, there not being a single provision in it, which was not contained in an Act of the 24th of George the Second, which was an Act of general regulation applicable to the building of jails throughout the kingdom. That Act gave every power which the present bill was calculated to give, and the present was, in fact, a mere transcript of the Act of the 24th George II. excepting only the blunders, which the clerk in transcribing it had committed; and he appealed to the House, whether they ought, in compliance with the requisitions of the House of Commons to lend their authority to sanction, what was in fact the result of mere clerical errors? The Chancellor stated the mode of levying the expence occasioned by the new building of jails, as enacted by the statute of 24th George II. and observed, that let taxes of any kind be imposed in whatever manner they might by Act of Parliament, they, ultimately, and in effect, fell upon the landlord. He concluded with moving, that their Lordships dissent from the reasons assigned by the Commons, and that a Committee be appointed to draw up reasons for their said dissent. Ordered.

The House having resolved itself into a Committee on the Tobacco act Amendment bill, Lord Cathcart in the chair,

Lord Portchester. Lord *Portchester* started an objection to the first enacting clause relative to the tobacconists taking away not less than seven hundred and fifty pounds of damaged tobacco at a time

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out of the King's warehouses, and produced a proviso, by way of amendment, which would have authorised the tobacconists to leave the damaged tobacco behind, without being obliged to pay duty for what was in fact of no value.

The Duke of *Leeds* thought the amendment by no means objectionable, had it been moved at a proper time in another House of Parliament; but he feared that at present it would prove fatal to the bill, if admitted. Duke of Leeds.

This occasioned a conversation between Lord Hawkesbury, Lord Thurlow, Lord Loughborough, Lord Stormont, the Duke of Richmond, and Lord Kenyon.

A great number of other amendments were afterwards proposed and rejected; at length Lord Portchester moved to amend the preamble, which, after some little conversation, was agreed to.

The report of the Committee was then made, and ordered to be taken into consideration upon the ensuing Monday.

The House adjourned.

Tuesday, 8th June.

Upon the motion for the second reading of the Scotch Distillery bill,

Lord *Kinnaird* declared himself an enemy both to the principle and clauses of the bill; since he considered the clauses to tend to the injury instead of the benefit of the revenue. The regulations of the bill drew a line between England and Scotland, which was contrary to every principle of policy, and in direct opposition to the articles of Union; for these reasons, he considered it his peculiar duty, standing as he did more particularly a representative for that part of Great Britain which would suffer by this bill, to state his objections to it; he would not, however, divide their Lordships upon the question, but would avail himself of his privilege of entering on their journals his solemn protest against the principle and clauses of the bill. Lord Kinnaird.

The motion was put, and agreed to.

The House adjourned.

Thursday, 10th June,

His Majesty repaired, in the usual state, to the House, and being seated on the throne, Sir Francis Molyneux was ordered to wait upon the Commons, and command their immediate attendance.

As soon as the Speaker of the House of Commons came to the bar of the House of Lords, he addressed His Majesty in a speech, in which he informed His Majesty, that his faithful Commons had completed the supplies requisite for

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the service of the current year; that they had manifested their loyalty and their attachment to His Majesty's person and government, by their uniform attention and diligent exertions in the passing of such bills as were most likely to conduce to the honour and dignity of His Majesty's crown, and that they had endeavoured, in all their proceedings, to act up to the character of a great, a loyal, and a free people. That they could not but contemplate, with peculiar satisfaction, the growing produce of the revenue, the rapid progress of our manufactures, and the general increase of commerce and trade; all circumstances affording the most flattering proofs of the prosperous state of the country. That they had no doubt but that His Majesty participated with them in the satisfaction afforded by the contemplation of these great and important objects. That they were well aware, that one principal cause, among many others to which these essential national benefits were to be ascribed, was the continuance of peace; but, sensible as they were of the blessings he had enumerated, and anxiously desirous of renderingthem permanent, as they sincerely professed to be, they had lately afforded His Majesty a substantial proof, that it was their unanimous opinion that peace ought not to be maintained but on such terms as should be strictly consistent with the honour of His Majesty's crown, and the interests and welfare of his subjects; and that opinion, they humbly trusted, would be honoured with the sanction of His Majesty's most gracious approbation.

The public bills which were ready received the Royal assent: after which, His Majesty was pleased to deliver the following most gracious speech:

" My Lords, and Gentlemen,

" The necessary public business being now concluded, I " think it right to put an end to this session of Parliament.

" I have not hitherto received the answer of the Court of " Spain to the representation which I have directed to be " made at that Court, in support of the dignity of my crown, " and of the interests of my people. I continue to entertain " the strongest desire for the maintenance of peace on just " and honourable grounds; but, under the present circum- " stances, I feel it indispensably necessary to proceed with " expedition and vigor in those preparations, the objects of " which have already received your unanimous concur- " rence.

" The assurances and conduct of my allies, on this inte- " resting occasion, have manifested, in the most satisfactory " manner, their determination to fulfil the engagements of " the existing treaties; and I trust, that our mutual good

" under-

"understanding and concert will be productive of the hap-
"piest effects in the present conjuncture of affairs in Europe.

"Gentlemen of the House of Commons,

"I return you my particular thanks for the readiness with "which you granted the supplies for the current service, and "for your unanimity and dispatch in enabling me to take "those measures which the present crisis has rendered neces- "sary.

"My Lords, and Gentlemen,

"As I think it may be of material convenience that the "election of a new Parliament should take place without de- "lay, it is my intention forthwith to give directions for "dissolving the present, and for calling a new Parliament. "But, in signifying to you this intention, I cannot omit to "assure you of the deep and grateful sense which I must ever "entertain of that affectionate and unshaken loyalty, that "uniform and zealous regard for the true principles of our "invaluable constitution, and that unremitting attention to "the happiness and prosperity of my people, which have in- "variably directed all your proceedings.

"The rapid increase of our manufactures, commerce, and "navigation, the additional protection and security afforded "to the distant possessions of the empire, the provisions for "the good government of India, the improvement of the "public revenue, and the establishment of a permanent sys- "tem for the gradual reduction of the national debt, have "furnished the best proofs of your resolution in encounter- "ing the difficulties with which you had to contend, and of "your steadiness and perseverance in those measures which "were best adapted to promote the essential and lasting in- "terests of my dominions.

"The loyalty and public spirit, the industry and enter- "prize of my subjects, have seconded your exertions. On "their sense of the advantages which they at present expe- "rience, as well as on their uniform and affectionate attach- "ment to my person and government, I rely for a continu- "ance of that harmony and confidence, the happy effects of "which have so manifestly appeared during the present Par- "liament, and which must at all times afford the surest "means of meeting the exigencies of war, or of cultivating "with increasing benefit the blessings of peace."

Then the Lord Chancellor, by His Majesty's command, said,

"My

"My Lords, and Gentlemen,

"It is His Majesty's Royal will and pleasure, that this "Parliament be prorogued to Tuesday, the 3d day of Au- "gust next, to be then here holden; and this Parliament is "accordingly prorogued to Tuesday, the 3d day of August "next."

On Saturday, the 12th of June, the Parliament was dissolved by proclamation; and the Lord High Chancellor of Great Britain was empowered to issue out writs for calling a new Parliament, which writs are to be returnable on Tuesday, the 10th of August ensuing.